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ACCOUNTS AND PAPERS :

TWENTY-ONE VOLUMES.

—(19.)—

SLAVE TRADE;

CLASS (A.) & (B.)

Session

5 February — 27 August 1839.

VOL. XLVIII.

1839.

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1839.

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Class A.

CORRESPONDENCE

WITH THE

BRITISH COMMISSIONERS

RELATING TO

THE SLAVE TRADE.

1838-9.

Class A.

CORRESPONDENCE

WITH THE

BRITISH COMMISSIONERS.

AT

**SIERRA LEONE, THE HAVANA,
RIO DE JANEIRO, AND SURINAM.**

RELATING TO

THE SLAVE TRADE.

FROM MAY 1ST, 1838, TO FEBRUARY 2ND, 1839, INCLUSIVE.

Presented to both Houses of Parliament, by Command of Her Majesty,
1839.

LONDON:

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FOR HER MAJESTY'S STATIONERY OFFICE.

1839.

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Class A.—1838-9.

CORRESPONDENCE

WITH THE

BRITISH COMMISSIONERS.

SIERRA LEONE. (*General.*)

No. 1.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, 24th May, 1838.

I HEREWITH transmit for your information, 12 copies of two Series of Papers, relating to the Slave Trade, which have been presented to the two Houses of Parliament, during the present Session, by Her Majesty's command.

I am, &c.

(Signed) PALMERSTON.

Her Majesty's Commissioners,
&c. &c. &c.

No. 2.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, 9th June, 1838.

I HEREWITH transmit to you the copy of a Resolution, which was voted unanimously by the House of Commons on the 10th of May, 1838, for an address to Her Majesty upon Slave Trade; and a copy of the answer, which on the 23rd of the same month, Her Majesty was pleased to return to that address.

You will see from these papers the increasing and anxious desire of the Parliament and Government of this country, for the extinction of the traffic in Slaves.

I am, &c.

(Signed) PALMERSTON.

Her Majesty's Commissioners,
&c. &c. &c.

No. 3.

Her Majesty's Judge to Viscount Palmerston.—(Received 10th July.)

(Extract.)

Sierra Leone, 3d April, 1838.

With reference to your Lordship's Despatch, of the 6th of February, 1838, in which directions are given as to the course to be pursued in future, whenever an Officer acting as Commissioner may leave Freetown, or his residence in the immediate precincts,—I beg leave to inform your Lordship that his Excel-

CLASS A.

B

lency, Colonel Richard Doherty, the Acting Commissioner of Arbitration, left Freetown, *for the first time* since he assumed the government of the Colony, or became connected with the Courts, on the 25th ultimo ; and that he is now at the Banana Islands, where he is *detained by sickness*.

Your Lordship's instructions having arrived at this juncture, I immediately addressed a letter (copy of which is enclosed) to Chief Justice Rankin, and, in compliance with my request, that gentleman was yesterday sworn in as Her Majesty's Commissioner of Arbitration *ad interim*, and assisted me to-day in adjudicating a case, which had been for some days ready for trial in the British and Portuguese Court.

The occasional and unavoidable absences from Freetown, of those officers who may hold acting appointments in the Courts, having thus been provided for by your Lordship, I beg leave respectfully to suggest, that, in order to prevent any delay in the adjudication of a vessel, or the regular business of the Courts, in consequence of the illness of an Acting Commissioner, authority may in like manner be given in such cases to swear in the Colonial Officer next in succession, whose functions will, of course, cease, whenever the Acting Commissioner shall be enabled to resume his duties.

I have, &c.

(Signed)

H. W. MACAULAY.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 3.

Mr. Macaulay to Mr. Rankin.

SIR,

British Commissioners Office, Sierra Leone, 2nd April, 1838.

I have the honour to inform you, that Her Majesty's Commissioners have this morning received a Despatch from Her Majesty's Principal Secretary of State for Foreign Affairs, in which they are instructed, "should any case come before the Courts of Mixed Commission, during the absence of an Acting Commissioner, to swear in the Colonial Officer next in succession without delay, in order that he may act as Commissioner in that case, and in all others which may be opened before the return of the absent officer."

There is at present a case in the British and Portuguese Court which was ready for trial on Wednesday last, the 28th ultimo ; but, owing to the absence of His Excellency Governor Doherty at the Bananas, it has not yet been adjudicated.

I have therefore to request, that you will be good enough to state at what hour it will suit you to take the oath of office as Her Majesty's Commissioner of Arbitration, *ad interim*, before the Colonial Secretary, who, next to yourself, is at present the principal Magistrate of the Colony.

I will at the same time wait upon you with the evidence and other papers filed in the case to which I have referred.

I have, &c.

(Signed)

H. W. MACAULAY.

*His Honor Robert Rankin,
Chief Justice and Recorder,
&c. &c. &c.*

No. 4.

Her Majesty's Commissioners to Viscount Palmerston.—(Received July 10.)

MY LORD,

Sierra Leone, 25th April, 1838.

WE have the honour to acknowledge the receipt of your Lordship's Despatch, of the 19th ultimo, acquainting us that instructions from the Lords Commissioners of the Admiralty had been issued to the Captains and Commanders of Her Majesty's ships and vessels, employed in the suppression of the Slave Trade, directing them to discontinue the practice of taking from vessels, detained under Treaties with Foreign Powers, articles relating to Navigation, which may be required for the use of the capturing vessel.

We have, &c.

(Signed)

H. W. MACAULAY.
R. DOHERTY.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

No. 5.

Her Majesty's Judge to Viscount Palmerston.—(Received 10th July.)

MY LORD,

Sierra Leone, 11th April, 1838.

WITH reference to my Despatch, marked General, of the 3d instant, I have the honour to inform your Lordship, that His Excellency, Governor Doherty, whose departure from Freetown for the Bananas I reported as having taken place on the 25th ultimo, returned to Freetown yesterday evening, and has resumed his duties as Acting Commissioner in the Mixed Courts.

I have, &c.

(Signed)

H. W. MACAULAY.

The Right. Hon. Viscount Palmerston, G.C.B.

&c. &c. &c.

No. 6.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, July 13, 1838.

I COMMUNICATED to the Colonial Department your Despatches of this year's series, enclosing Reports of the cases of the Portuguese vessels, "*Don Francisco*," and "*Florida*," condemned in the mixed Commission Court at Sierra Leone for having been engaged in illegal Slave Trade; and I called the attention of the Secretary of State for the Colonies to the circumstances which you stated, of the enlistment of the Slaves into the British Military Service, prior to the Adjudication.

I now transmit to you the copy of the answer, which I have received to that communication.

I have, &c.

(Signed)

PALMERSTON.

Her Majesty's Commissioners,

&c. &c. &c.

Enclosure in No. 6.

Mr. Stephen to the Hon. Fox Strangways.

SIR,

Downing Street, 28th June, 1838.

I am directed by Lord Glenelg to acknowledge the receipt of your two letters, dated the 18th of March, with enclosures, in which, by desire of Viscount Palmerston, you invite his Lordship's attention to the facts reported in the cases of the Portuguese schooners "*Don Francisco*" and "*Florida*," condemned at Sierra Leone for an illegal traffic in slaves, in which cases the slaves were permitted to enter the British military service, or were indented as apprentices, prior to adjudication.

I am to acquaint you in answer, for the information of Viscount Palmerston, that the practice of disposing of the negroes, in anticipation of their eventual emancipation by the Court of Mixed Commission, is one which his Lordship would not approve of, except under circumstances of peculiar urgency, such as he conceives to have arisen in the cases referred to.

Viscount Palmerston has already learnt from the Report, which has been brought under his notice by the Commissioners, that both the "*Florida*" and "*Don Francisco*" were considered unfit to encounter the risk of the voyage to Sierra Leone, and that, in consequence, they put into the nearest ports, viz., Grenada and Dominica,—that there the Lieutenant Governors, under the advice of the legal authorities, sanctioned the discharge of the negroes, and disposal of them in such a manner as appeared the most likely to ensure their obtaining a subsistence, and to their future advantage. The Lieutenant Governors being influenced by these notions, Lord Glenelg thinks that it would be impossible for them to have taken a different course, without neglecting the claims of humanity. His Lordship desires to observe, that, in every case in which there is a probable cause of seizure of Portuguese slave-vessels in or near the Caribbean Seas, and in which it is impossible to send back the slaves to the coast of Africa without imminent danger to their lives or health, the course pursued in the present instances is, in his opinion, justified by necessity, and the Portuguese owners or their Government would have no legitimate cause of complaint, even if it should ultimately appear that the slaves were not liable to condemnation. The removal of them as slaves from any British Colony, at which they may so have arrived, or their detention there in confinement, to await the adjudication at Sierra Leone, would, according to Lord Glenelg's view of the case, be inconsistent with the law for the abolition of the Slave Trade, and with the laws in force in the Colonies.

I have, &c.

(Signed)

J. STEPHEN.

Hon. W. Fox Strangways,

&c. &c. &c.

No. 7.

Her Majesty's Judge to Viscount Palmerston.—(Received 3rd September.)

MY LORD,

Sierra Leone, 1st June, 1838.

IN my Despatch, marked General, of the 8th ultimo, I had the honour to report the departure of His Excellency, Governor Doherty, Her Majesty's Commissioner of Arbitration *ad interim*, for the Gambia, on the evening of the 5th of May. I have now to inform your Lordship, that His Excellency returned to Freetown yesterday, and has resumed his duties in the Mixed Courts.

I have, &c.

(Signed)

H. W. MACAULAY.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

No. 8.

Her Majesty's Commissioners to Viscount Palmerston.—(Received September 3.)

MY LORD,

Sierra Leone, 4th June, 1838.

WE have the honour to acknowledge your Lordship's Despatch of the 9th of April 1838, transmitting for our information printed copies of two Treaties, by which the Hanse Towns, and the Grand Duke of Tuscany have acceded to the conventions between His late Majesty, and the King of the French, for the more effectual suppression of the Slave Trade.

We thank your Lordship for this information.

We have, &c.

(Signed)

H. W. MACAULAY.

R. DOHERTY.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

No. 9.

Her Majesty's Commissioners to Viscount Palmerston.—(Received September 3.)

MY LORD,

Sierra Leone, June 4, 1838.

WE have had the honour to receive your Lordship's Despatch, dated April 11th, 1838, on the subject of the power possessed by Her Majesty's Government, of interfering to prevent British Merchants at Sierra Leone from purchasing condemned Slave vessels, as agents for Slave dealers.

We beg leave to express our acknowledgments to your Lordship, for having conveyed to us the Queen's Advocate's opinion on this point, and which we have laid before His Excellency the Governor, for his information.

We have, &c.

(Signed)

H. W. MACAULAY.

R. DOHERTY.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

No. 10.

Her Majesty's Commissioners to Viscount Palmerston.—(Received September 3.)

MY LORD,

Sierra Leone, 30th June, 1838.

WE have the honour to forward herewith to your Lordship a certified copy of the list of emancipated Slaves, registered by the Courts of Mixed Commissions here, in the period from the 1st of January to this date, inclusive. The number so registered was 1416.

The number of Slaves emancipated during the same period was 1928, of whom two, from the Portuguese brig "*Gratidao*," absconded after emancipation, and before their descriptions could be taken to be registered; and 19 others died before they could be registered. A decree of emancipation was likewise passed in favour

of the 332 Slaves landed at Montego Bay, Jamaica, from the Portuguese brigantine "*Arrogante*," and in favour of the 159 Slaves landed at Port Royal, in the same island, from the Portuguese schooner "*Izabelita*." We presume that these returns have been registered, and their descriptions taken, at Jamaica.

We have, &c.

(Signed) H. W. MACAULAY.
The Right Hon. Viscount Palmerston, G.C.B. R. DOHERTY.
 &c. &c. &c.

Enclosure in No. 10.

ABSTRACT.

	Number Registered.	Number died before Registration, but Emancipated.	Number Emancipated.	Remarks.
Princenza Africana . .	222	..	222	
Deixa Falar	186	..	186	
Gratidao	370	8	380 (a)	(a) 2 men absconded.
Felicidades	404	4	408	
Dous Irmaos	224	7	241	
	1416	19	1437	

Mem.—Number registered up to the 1st January, 1838, 44,980
 Number registered from 1st January to 30th June, 1838, . . . 1,416

Total, 46,396

Sierra Leone, 30th June, 1838.

In addition to the foregoing list of emancipated slaves, registered in the period set forth, there were 332 slaves landed from the Portuguese brigantine "*Arrogante*" at Montego Bay, in the Island of Jamaica, and 159 from the Portuguese schooner "*Izabelita*" at Port Royal, in the said Island,—in all 491, the survivors of whom were emancipated by decrees of the British and Portuguese Court of Mixed Commission,

(Signed)

M. S. MELVILLE,
Registrar.

These are to certify that the foregoing is a true and correct Copy of the original list of slaves registered and emancipated by the Courts of Mixed Commissions, established at Sierra Leone, under the Treaties with Foreign Powers, for preventing the illicit traffic in slaves, during the period from the 1st day January, to the 30th day of June, 1838.

In faith and testimony whereof, I have herewith set my hand, and affixed the seal of the mixed Commissions at Freetown, in the Colony of Sierra Leone, this 30th day of June, in the year of our Lord 1838.

(L.S.) (Signed)

M. S. MELVILLE,
Registrar.

No. 11.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, 17th September 1838.

I have received the Despatch, marked General, which was addressed to me by Mr. Macaulay, on the 3d of April last, suggesting that, in order to prevent any delay in the adjudication of a vessel, or the regular business of the Courts, in consequence of the illness of an Acting Commissioner, authority should be given to you in such case to swear in the Colonial Officer next in succession, in order to carry on the business, until such time as the Acting Commissioner shall be able to resume his duties.

The matter having been referred to the Queen's Advocate, that Officer has reported his opinion, that the course prescribed by the Treaties in the case of the death, absence, or illness, of a regularly appointed Commissioner, should be adopted, in a like contingency occurring, in the case of an Acting Commis-

sioner; and I have therefore to instruct you to provide for the case of the illness of an Acting Commissioner, in the manner suggested by Mr. Macaulay, in the Despatch above-mentioned.

I have, &c.

(Signed)

PALMERSTON.

To Her Majesty's Commissioners,
&c. &c. &c.

No. 12.

Her Majesty's Commissioners to Viscount Palmerston.—(*Received October 17.*)

MY LORD,

Sierra Leone, 31st July, 1838.

WE have the honour to acknowledge your Lordship's Despatch, transmitting us copies of two series of papers relating to the Slave Trade, lately presented to Parliament by Her Majesty's command.

It has always been our practice, besides supplying the Commissioners' Office and the Registry with these papers, to present a copy to His Excellency the Governor of the colony, to His Honour the Chief Justice, and to the Secretary of Government, as each of those gentlemen is occasionally called upon to act in the Courts as a Commissioner *ad interim*. We have also been accustomed to reserve a copy for the Admiral commanding the West African station, and for the senior naval officer in the Bights.

We have, &c.

(Signed)

H. W. MACAULAY.
R. DOHERTY.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 13.

Her Majesty's Commissioners to Viscount Palmerston.—(*Received October 17.*)

MY LORD,

Sierra Leone, July 31, 1838.

WE beg leave to acknowledge the receipt of your Lordship's Despatch of the 9th ultimo, covering the copy of a resolution unanimously voted by the House of Commons on the 10th of May, for an address to Her Majesty upon the Slave Trade, and of the answer which, on the 23rd of the same month, Her Majesty was pleased to return to that address.

We sincerely trust, that the anxious and unceasing desire of the Parliament and Government of Great Britain for the extinction of the traffic in slaves, will soon be met, on the part of Portugal and other powers, by effectual measures for the total suppression of that traffic.

We have, &c.

(Signed)

H. W. MACAULAY.
R. DOHERTY.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

SIERRA LEONE. (*Spain.*)

No. 14.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, May 21, 1838.

I HEREWITH transmit to you, for your information and guidance, the copies of a correspondence with Her Majesty's Envoy at Madrid; by which you will perceive, that the Custom-House Authorities of Cuba have been directed not to issue certificates to vessels, carrying casks for the trade in palm oil, without exacting a bond, which may be a security, in case it should afterwards be proved, that the prohibited articles were destined for illegal purposes.

I have, &c.

(Signed)

PALMERSTON.

Her Majesty's Commissioners,
&c. &c. &c.

First Enclosure in No. 14.

Viscount Palmerston to Sir G. Villiers. Foreign Office, March 27, 1838.

(See papers of 1837. Further Series; Class B. No. 23, p. 15.)

Second Enclosure in No. 14.

Sir G. Villiers to Viscount Palmerston. Madrid, April 14, 1838.

(See papers of 1837; Further Series; Class B. No. 30, p. 24.)

Third Enclosure in No. 14.

Sir G. Villiers to Viscount Palmerston. Madrid, April 21, 1838.

(See Class B. No. 6.)

No. 15.

Her Majesty's Commissioners to Viscount Palmerston.—(Received July 10.)

MY LORD,

Sierra Leone, April 3, 1838.

WE had the honour to receive yesterday your Lordship's Despatch of the 13th of February, 1838, transmitting the Copy of a Despatch from Her Majesty's Commissioners at Havana, containing their Report of arrivals and departure of Slave Vessels for the month of November, 1837.

We beg leave to thank your Lordship for this communication.

We have, &c.

(Signed)

H. W. MACAULAY.
ROBERT RANKIN.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 16.

Her Majesty's Commissioners to Viscount Palmerston.—(Received Sept. 3.)

MY LORD,

Sierra Leone, June 4, 1838.

We have the honour to acknowledge your Lordship's Despatch of the 9th of April, 1838, transmitting Copies of two Despatches from Her Majesty's Commissioners at Havana, containing their Reports of the arrivals and departures of Slave Vessels, at and from that port, during the months of December, 1837, and January, 1838.

We have, &c.

(Signed)

H. W. MACAULAY.
R. DOHERTY.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 17.

Her Majesty's Commissioners to Mr. Backhouse.—(Received September 3.)

SIR,

Sierra Leone, June 30, 1838.

WE have the honour to report, that no case has come before the British and Spanish Mixed Court of Justice, in the period from the 1st of January, 1838, to this date.

We have, &c.

(Signed)

H. W. MACAULAY.
R. DOHERTY.

John Backhouse, Esq.
&c. &c. &c.

No. 18.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, October 8, 1838.

I HEREWITH transmit for your information, the accompanying copies of Despatches from Her Majesty's Commissioners at the Havana; giving an account of the Slave vessels which have left that port for the Coast of Africa, in the months of February, March, April, May, and June of the present year.

I have, &c.

Her Majesty's Commissioners,
&c. &c. &c.

(Signed)

PALMERSTON.

Enclosures in No. 18.

*Havana Commissioners to Viscount Palmerston. Havana, March 1, 1838.**Do.**do.**do.**July 17, 1838.*

(See Nos. and .)

No. 19.

Her Majesty's Commissioners to Viscount Palmerston.—(Received October 17.)

MY LORD,

Sierra Leone, July 31, 1838.

We have had the honour to receive your Lordship's Despatch, dated May 21, 1838, inclosing for our information and guidance, copies of a correspondence which has recently taken place on the subject of the Bond to be henceforth required at Spanish ports, on the shipment as lawful cargo of any of the articles enumerated in the Spanish Treaty of the 28th of June, 1835, and which, if found on board a vessel, would be *prima facie* evidence of her illegal equipment for the prohibited Slave Traffic.

The necessity of such a measure as that adopted by the Spanish Government, is amply shewn in the correspondence which accompanies this Despatch; but we are far from sanguine that it will be carried into effect with efficiency and good faith by the authorities at Cuba.

We have, &c.

(Signed)

H. W. MACAULAY.
R. DOHERTY.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 20.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, November 2, 1838.

I HEREWITH transmit for your information, a copy of a Despatch, and of its enclosure from Her Majesty's Commissioners at the Havana, containing an account of vessels which arrived at that Port from the Coast of Africa, in the month of

August last, and a list of those which sailed from the Havana for Africa in the months of July and August of this year.

His Majesty's Commissioners,
 &c. &c. &c.

I am, &c.
(Signed) PALMERSTON.

Enclosure in No. 20.

Havana Commissioners to Viscount Palmerston. Sept. 13, 1838

(See No. 89.)

SIERRA LEONE. (*Portugal.*)

No. 21.

Her Majesty's Commissioners to Viscount Palmerston.—(Received May 19.)

MY LORD,

Sierra Leone Jan. 12, 1838.

WE have the honour of reporting to your Lordship, that Her Majesty's Brig "Curlew," Lieutenant Edmund Norcott, Commander, fell in with, and detained, off the Seabar, river Sherbro, on the 26th ultimo, the Portuguese Slave Schooner "*Princéza Africana*," with a sargo of 222 Negroes on board, who had been only that morning embarked in the Sherbro, for conveyance to the Island of Porto Rico.

The detained vessel reached this Port on the 1st, and was condemned on the 10th, instant; when her cargo of slaves was decreed to be emancipated.

Our report of this case we beg leave herewith to transmit to your Lordship.

From the evidence of the acting master, who had originally shipped at Porto Rico as Boatswain of this vessel, we learnt, that she left that Island about a month previous to her sale at the Cape de Verde Islands, under the command of a Spaniard named José Cargil, who is represented to have been owner, and to have sold the Schooner to her late Portuguese master, Fernando Sá Brandao, at the Cape de Verdes.

It was apparently intended by the deceased Master and Mate to have kept this fact secret, as in the commencement of the log book kept by the late Mate, twenty-six leaves have been torn out, containing, it is supposed, the history of this vessel, previous to the day of her departure from the Cape de Verdes.

Under these circumstances we consider, that the sale and transfer of the "*Princéza Africana*," to the flag of Portugal has been nominal, and with the object of protecting her from seizure for equipment; and that she still continues *bonâ fide*, Spanish property belonging to Porto Rico.

In this instance the Portuguese authorities at Porto Praya, have cleared out thirty-one casks on board the vessel, as destined to carry palm oil on the return voyage.

We have, &c.

(Signed)

H. W. MACAULAY.

WALTER W. LEWIS.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 21.

Report of the Case of the Portuguese Schooner "Princéza Africana," Juan Bufo, Acting Master.

Sierra Leone, 12th Jan. 1838.

This vessel was furnished with a Portuguese Passport by the Governor-General of the Cape de Verde Islands, in the month of May, 1837, for a voyage thence to Pernambuco direct, in conformity with which an official Muster-roll from the Secretary of the Government, was obtained on the 12th of that month. On the day following, the cargo of this vessel was cleared out at the Custom-house, for "Pernambuco, and Ports along the coast of Africa." In this clearance, it is particularly mentioned that the detained vessel carried 25 small casks, filled with water, and 6 casks not set up, to hold palm-oil on the return voyage.

Thus prepared, the "*Princéza Africana*" proceeded from the Cape de Verde Islands to the river Sherbro; and, after a delay there of about 16 days, during which the outward cargo would appear to have been landed, she went to sea again, and cruised along the coast as far as the latitude of Cape Palmas, returning to the Sherbro on the 1st of August last, from which date she remained at anchor there until the 26th of December, when a cargo of slaves was embarked. In the attempt to get clear of the entrance to the Sherbro, on her return voyage, this vessel was seized with her human cargo by a boat of Her Majesty's brig "Curlew," Lieutenant Norcott, Commander; and that officer accompanied his prize to this port, in which she arrived on the 1st instant.

The Marshal and Surgeon to the Court visited and reported upon the detained vessel, and the negroes on board of her, as soon as she came to anchor.

From the Surgeon's report it appeared that, although these slaves had been but a week on board of the detained vessel, there were already among them 49 cases of disease, 33 of which were ophthalmia. The detained schooner was very small for the number of negroes embarked in her; and the Surgeon therefore suggested the advantage of their being landed as soon as practicable, which recommendation was carried into effect the same day.

All the papers in the case were received and filed in the Court on the day of the arrival of this vessel; the usual monition issued, and the witnesses produced by the captor were ordered for examination by the Registrar.

The declaration of the captor as to the circumstances attending the seizure of this schooner was to the effect, that Her Majesty's brig "Curlew," having been on the 26th December, 1837, in latitude 7° 21' North, and longitude 12° 40' West, the cutter of the said brig succeeded in capturing the schooner "*Princesa Africana*," sailing under Portuguese colours, and bound from Seabar to Porto Rico, with a cargo of 222 slaves.

The witnesses in this case were the Acting Master, Juan Bufo, and the Supercargo, Edward Combelle, who were on the 4th instant examined upon the standing interrogatories.

Juan Bufo deposed, that "he was born at Mahon, has lived at Barcelona for the last 26 years; is a Spanish subject, and has never served any other State; is not married. He took the command of the vessel about six months ago at the Sherbro, on the deaths of the late Master and Mate of the vessel at that place; first saw the vessel in Porto Rico about 11 months since; believes she is North American built. He was present when the vessel was captured with slaves on board; sailed under Portuguese colours, and had no others. The vessel is called "*Princesa Africana*," has never heard of any other name; does not know her tonnage; she had about 17 officers and mariners, exclusive of the late Master; part Portuguese, and part Spaniards, who were shipped and hired by the late Master, Don Fernando, 10 months since at Porto Praya (part had been previously shipped and hired at Porto Rico about 11 months ago, by the former Owner and Master, Don José Cargil, a Spanish subject, and a resident of Catalonia). Neither he, nor any other of the officers or mariners to his knowledge, had, with the exception of the Supercargo, any interest in either vessel or cargo. Was boatswain aboard, till the deaths of the superior officers rendered it necessary for him to assume the command of the vessel.

"At the time of capture there were some passengers, but does not know the number, or their names; they were seamen, but does not know of what nation; they were taken on board in the Sherbro about a week since, at the instance of the Supercargo, for a passage to Porto Rico; does not know what their business at Porto Rico might have been; none of them had any authority aboard, or interest in the vessel or cargo to his knowledge. The last clearing Port was Porto Praya, Cape Verdes; the voyage commenced, and was to have ended, at Porto Rico. From Porto Rico the vessel proceeded to Porto Praya, where she remained about 10 days, and then went to the Sherbro, where she remained 8 months, when she proceeded to Cape Palmas for rice, and returning thence to Sherbro, embarked her slaves. The capturing vessel was first seen off the Banana Islands about a week since; capture took place the same day; there was no chase; the vessel was captured by a boat during a calm; the vessel was steering for Porto Rico when she fell in with the man-of-war. There was 1 gun mounted, 8 muskets, about as many cutlasses, and a small quantity of powder for defence against pirates; no resistance was made; there were no instructions to escape capture, or for concealing or destroying any of the vessel's papers. Don Fernando, the late Master, was the owner of the vessel; does not recollect the Master's other name; knows that the said master bought the vessel at Porto Praya from Don José Cargil, the former Master and owner.

"Don Fernando was a Portuguese subject, but does not know any thing further about him. He does not know whether there is any bill of sale. Witness does not know the price of the vessel, or whether the same be paid, though he has heard that it was, and believes the sale to have been a true one; believes, if restored, the vessel will belong to the representatives of the late Master; knows of no private agreement. The Supercargo, Combelle, was the lader, and consignee of the cargo; the said Combelle and two other persons named Juan and Felipe à Labaca, witness believes to be the owners of the slaves.

"Combelle is a Frenchman, and lives, witness believes, at St. Thomas's, West Indies. Leon and à Labaca are Spanish subjects, and live at Porto Rico; cannot say how long these persons have resided in these places respectively, or where they lived before; the said slaves witness believes were to have been landed at Porto Rico for account and risk of the said three parties, and will belong to them if restored. He knows nothing of the last voyage; the lading on the present occasion was shipped at Porto Rico, and consisted of tobacco and rum; the present cargo is slaves, 218 were shipped altogether, all from the shore; does not remember their particular descriptions; none have died, either before or since capture; after seizure the vessel was taken to Sierra Leone.

"The papers found on board were and are all true and fair, so far as he knows; no papers were destroyed, concealed, or made away with; there are no other papers that he knows of relating to vessel or cargo; he does not know whether there was a charter party. He does not know whether the vessel or cargo be insured; the vessel was under the management of the Supercargo in regard to her trade. Bulk was broken in the Sherbro; none of the slaves have been landed since capture."

Edward Combelle, the Supercargo of the detained vessel, confirmed, by his testimony, the Master's evidence in all the material points.

On the fifth instant publication of the case was granted, on the Petition of the Proctor for the Captor.

The Monition which had issued on the 1st, was returned, duly certified, on the 10th instant, on which day the Court met for the adjudication of this vessel, upon which a sentence of condemnation was pronounced. At the same time, the 222 slaves captured in this vessel (none having died during their detention,) were pronounced to be free.

(Signed)

H. W. MACAULAY.
WALTER W. LEWIS.

Sierra Leone, January 12, 1838.

Her Majesty's Commissioners to Viscount Palmerston.—(Received May 19.)

MY LORD,

Sierra Leone, January 12, 1838.

HER Majesty's Sloop "Scout," Robert Craigie, Esq., Commander, when cruising in the Bight of Benin, on the 20th of November last, detained the Portuguese Slave Brigantine "*Deixa Falar*," Joao Anastacio Baker, Master, for having on board 205 Negroes, shipped the previous day at Lagos, and destined for Bahia.

The detained vessel was immediately despatched, in charge of a Prize Officer, to this Colony for adjudication, where she arrived on the 1st. instant, and on the following 10th, the prosecution of this vessel having been completed, and her guilty employment at the time of detention fully established, the confiscation of the vessel was pronounced, as well as the emancipation of the 186 surviving slaves of her cargo.

We have the honour to enclose for your Lordship's information, our Report of the case of this vessel.

The slaves of this vessel were to have been landed at a place called Camamú, which the Mate described as being sixty miles to the southward of Bahia.

The contradiction of the ship's papers by the witnesses, in respect to the name of the owner, was very glaring. There were also opposing statements in the papers respecting the situation filled by Francisco Garcia Machado, on board of the detained vessel, the correctness of which he denied in his own evidence.

(Signed)

H. W. MACAULAY.

WALTER W. LEWIS.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 22.

Report of the Case of the Portuguese Brigantine "Deixa Falar," João Anastacio Baker, Master.

THIS vessel, when seized, had on board only 2 Ship's Papers, a Passport, and Muster-roll; the former obtained from the Portuguese Consul-General at Rio Janiero, in February, 1837, and the latter from the Portuguese Consul at Bahia, on the 3rd June following. These two documents agree in describing the Owner of the detained vessel to be José Antonio de Freitas, but differ as to the person who was actually the Master, the Passport naming Francisco Garcia Machado as filling that office, whilst the Muster-roll states a person of that name to be the Boatswain of the brigantine, and the Master to be the person found in command of her when detained. In both of the Official Papers above-mentioned the destination of the vessel from Bahia was stated to be Oporto, with leave to call at Gibraltar; but her route appeared to be direct from the port of clearance to Lagos, where a cargo of negroes was embarked, with which she was detained by Her Majesty's sloop "Scout," on the 20th November, 1837, on the first day of her return voyage to Bahia.

On the 1st January instant, the detained vessel came into this harbour, and we received the customary Reports respecting her from the Marshal and Surgeon to the Courts.

It appeared that, during the long passage of this vessel to our port, 16 of the negroes had died of dysentery, of which disorder there were 30 cases then on board; the remainder of the slaves being generally healthy-looking.

The surgeon strongly recommended their early disembarkation.

On the 1st instant the usual measures were taken to open the prosecution of the detained vessel on a charge of illegal slave-trading; the Monition in the case issued, and other preliminary steps were taken. The healthy slaves were, on the same day, landed at the Liberated African Department in Freetown, and the sickly, on the morning following, at the Lazaretto at Kisse.

The Declaration of the Commander, Robert Craigie, stated, that on the 20th November, 1837, being in Her Majesty's sloop "Scout," in latitude 5° 53' North, and longitude 4° 16' East, he detained the brigantine named the "*Deixa Falar*," sailing under Portuguese colours, and commanded by Joao Anastacio Baker, who declared her to be bound from Lagos to Bahia, having on board 210 slaves.

The witnesses in this case were the Master and Mate of the captured vessel, who were examined by the Registrar on the 5th instant.

Joao Anastacio Baker, the said Master, swore, that "He was born at Figueira, in Portugal, and lives there; has never served any state but Portugal, and is not married. He was appointed to the command of the detained vessel, and possession of her was given to him, at Bahia, by José Joaquim Machado, a Portuguese subject, and a resident of that place; first saw the said vessel there about two months previously; believes she is Brazilian built. He was present when the vessel was seized with slaves on board; sailed under Portuguese colours, and had none of any other nation. The flag which is now flying at the mast-head of the "*Deixa Falar*," (the white Portuguese flag) has been placed there by the Prize Officer, and was only used on board as a private signal; the colours under which the vessel was, when seized, were the blue and white usually borne by Portuguese vessels. The vessel has never been called anything but "*Deixa Falar*," to his knowledge; she is 72 tons burden, and had ten officers and mariners, exclusive of witness, part Portuguese and part Brazilians; all shipped and hired by witness at Bahia; neither he, nor any of the officers or mariners, had any interest in either vessel or cargo. Was master on board; there were no passengers. The last clearing port was Bahia, and the voyage commenced, and was to have ended, there; from

Bahia, the vessel proceeded direct to Lagos, where she shipped slaves. The capturing vessel was first seen about 30 miles outside Lagos, on the 20th November; capture took place the same day, after a chase of 7 hours; the vessel was steering for Bahia when pursued, and made every effort to escape from the cruiser. The vessel's papers were for Oporto and Gibraltar, but she did not go there, witness's orders being to proceed to the Coast. There is no gun mounted, and but two muskets and one cutlass; no resistance was made; there were no instructions for escaping capture, or for concealing or destroying any of the vessel's papers. José Joaquim Machado is sole owner of the vessel; he is a Portuguese by birth, and has resided for several years past with his family, at Bahia; witness does not know where he lived previously; believes him to be the owner; having been so informed by Machado, and having seen it so stated in the vessel's papers. He has seen the bill of sale in the possession of Machado at Bahia, where he believes it now is; knows none of the particulars of it, as he only saw it once, and did not read it. Does not know the price of the vessel, or if the same be paid; believes the sale to have been a true one, and that the vessel will belong to Machado, if restored, and to no other person; knows of no private agreement; Machado is the sole owner of the cargo; the consignee at Lagos, and the lader of the slaves, was Luiz Antonio de Andrada, a native of Brazil, now living and trading at Lagos. The slaves were to have been landed at Camamú, a place to the southward of Bahia, on account and risk of Machado; and, if restored, will belong to him only; knows of no other person concerned in them. He knows nothing of the former voyage; the lading shipped at Bahia on the present occasion consisted of rum and tobacco; the present cargo is slaves; 210 were shipped altogether, all from the shore; does not remember their particular descriptions; none died before, but 22 have died since, capture; after seizure the vessel was taken to Sierra Leone. The papers delivered up were and are all true and fair. No papers were destroyed, concealed, or made away with. There is no paper in any country (other than the bill-of-sale before-mentioned) relating to vessel or cargo, to his knowledge. There was no Charter-party. He is ignorant whether the vessel or cargo be insured; the vessel was under the management of de Andrade in regard to her trade. Bulk was broken at Lagos; no slaves have been disembarked since capture."

The other witness in the case was Francisco Garcia Machado, who is described in the Passport as Master, and in the Muster-roll as Boatswain, of the detained vessel. He swore at his examination that he was the Mate of this vessel. This witness corroborated the evidence of the Master in every respect, and declared, like him, that the owner of the vessel was José Joaquim Machado, and that he had seen his name as such in the vessel's papers, a statement directly at variance with the fact.

The number of slaves who died whilst under the charge of the Prize Officer appeared, by that gentleman's affidavit, which was filed on the 6th instant, to be sixteen. On the receipt of this document, publication was granted to the captor's Proctor.

On the 10th instant, the Monition issued in the case was returned, certified by the Marshal to have been properly executed; and at the sitting of the Court on that day, the said Brigantine "*Deixa Falar*" and her cargo were declared good prize to the Governments of Great Britain and Portugal, except the slaves, in number 186, who were duly emancipated.

(Signed)

H. W. MACAULAY.
WALTER W. LEWIS.

Sierra Leone, January 12, 1838.

No. 23.

Her Majesty's Commissioners to Viscount Palmerston.—(Received May 19.)

MY LORD,

Sierra Leone, January 20, 1838.

HEREIN we have the honour to transmit to your Lordship, our Report of the case of the Portuguese brig "*Gratidao*," João Fernando Bouvier, Master, seized on the 23rd of November last, in the Bight of Benin, with 452 slaves on board, by Her Majesty's sloop of war "*Scout*," Commander Craigie; and condemned here on the 19th instant, when the 380 survivors of the slaves were declared to be emancipated.

From the papers of this vessel it may be inferred, that, previous to the voyage in which she was seized, she had been a successful trader, having safely made a voyage to Havana in the month of August 1836, and to Bahia in August 1837.

It will be observed, that a frequent change of Masters has taken place in this vessel; and at the commencement of the last voyage her name was altered, for the object, we presume, of mystifying her character and proceedings; in the apparent desire to further which object, the Master swore, that the owner of the vessel, Jozé Moreira Pinto, lives at Havana, notwithstanding the passport stated he is a resident of Bahia.

(Signed)

The Right Hon. Viscount Palmerston, G.C.B.
&c.

H. W. MACAULAY.
WALTER W. LEWIS.

&c.

&c.

Enclosure in No. 23.

Report of the case of the Portuguese Brig, "Gratidao," João Fernando Bouvier, Master.

"THIS vessel, according to the papers found on board of her at the time of detention, and which consisted of

A Passport,
A Muster-roll, and
Four Custom House Certificates,

was owned by José Moreira Pinto, a resident of Bahia, and sailed under a Passport from the Provisional Government of Princes Island, dated the 8th March, 1836, in which her destination was stated to be from that Island to Cuba, via the coast of Africa. This voyage was apparently accomplished, and the vessel then went to Bahia, where she arrived in November, 1836; and in the following February departed for Princes'. Whether he visited that Island on the occasion alluded to is uncertain; but she again cleared out from Bahia in September last on another voyage ostensibly to Princes', which official destination was not observed, the Brig having proceeded direct to Lagos. During the detained vessel's last visit to Bahia, her name was changed from "*Nova Inveja*" to that of "*Gratidão*," and a new master was appointed to her, making the fourth change of commanders in the course of twenty months. In the Muster-roll and Passport the detained vessel is declared to have been destined for Princes Island; whilst one of the Custom House clearances from Bahia stated she was bound to the coast of Africa generally, and another that she was going to Onim or Lagos.

To the last-named port the "*Gratidão*" proceeded direct on leaving Bahia, and there embarked a cargo of slaves, with which she was captured, shortly after leaving the coast, by Her Majesty's sloop "*Scout*," Robert Craigie, Esq., Commander.

The detained vessel reached this port on the 11th January, 1838, and the Marshal and Surgeon to the Courts made their official visits and reports that day. The Surgeon stated, that of the 454 slaves which had been seized in this vessel, 56 had died of dysentery; and that there were still on board 64 cases of the same disease. There were also 19 other cases of sickness, which, together with those mentioned, the Surgeon recommended should be immediately sent to the hospital. The remainder of the cargo appeared to be clean and healthy-looking; but their early disembarkation was recommended, as the detained vessel did not afford them proper accommodation.

On the following day, the 12th instant, the papers of this vessel, duly authenticated, were filed in the British and Portuguese Court, together with the captor's declaration; when the usual Monition was issued, and other preparatory measures adopted.

The slaves were landed on the same day, in compliance with the request of the captor's proctor, and the recommendation of the Surgeon to the Court.

The captor's declaration stated that Her Majesty's sloop "*Scout*," having been on the 23rd November, 1837, in or about latitude 5° 40' north, and longitude 4° 15' east, detained the Brig "*Gratidão*," sailing under Portuguese colours, and commanded by Joao Fernando Bouvier, who declared her to be bound from Lagos to Bahia, and having on board 457 slaves.

On the 17th instant, the registrar examined the witnesses produced by the captor.

The Master of the detained vessel deposed that "he was born in Lisbon, has lived at Bahia for the last 7 years, is a subject of Portugal, and has never served any other state; is not married. He was appointed to the command at Bahia in September last by José Moreira Pinto, the owner, a resident of Havana, and a Portuguese subject; possession was given to witness at Bahia in September last by Joao da Costa, junior, the correspondent of the owner, a Brazilian subject, and resident of Bahia; first saw the said vessel there a few days previously to having possession given to him; does not know where she was built. He was present when the vessel was captured with slaves aboard; had no colours but Portuguese.

"He has heard the vessel was formerly called "*Nova Inveja*." Since witness has known her she has always been called "*Gratidão*;" she is 213 tons burthen, and had 23 or 24 officers and marines, exclusive of witness, all Portuguese, except the Mate, who was a Brazilian; all hired and shipped at Bahia by witness in September last.

"Neither he, nor any of the officers or marines, had any interest in the vessel or cargo, with the exception of witness, who owned 2 of the slaves, the first mate, to whom 2 other of the slaves belonged, and the supercargo, who was the proprietor of 12 slaves; was Master on board; there were 2 persons shipped at Lagos in November for a passage to Bahia; they had previously accompanied the vessel as passengers from Bahia to Lagos, for the purpose, witness believes, of trading there; their names were José Barbosa Nunez, senior and junior, being father and son, the elder a Portuguese, the other a Brazilian, both resident merchants of Bahia; neither of them had any interest in vessel or cargo, or authority whatever on board, with the exception of the elder Nunez, who was the supercargo.

"The last clearing-port was Bahia; and the present voyage began and was to have ended there. From Bahia the vessel proceeded direct to Lagos, where the slaves were shipped.

"The capturing vessel was first seen on the 23rd November, near the entrance of the river Bonny, but not within sight of land; does not remember the latitude or longitude; capture took place the same day, about an hour after the vessels had fallen in with each other; there was no attempt made to escape, as it would have been useless. The vessel was steering for Bahia when she fell in with the man-of-war. There were 2 guns mounted, and a few muskets and cutlasses, and a little powder for defence, and keeping the slaves in order. No resistance was made; there were no instructions to escape capture, or for concealing or destroying any of the vessel's papers. José Moreira Pinto was sole owner of the vessel, a Portuguese by birth; does not know if he be married, or where he lived before he resided at Havana. Believes Pinto to be the owner, having been so informed by Joao da Costa, junior. He has never seen any bill of sale, and does not know the price of the vessel, or whether it be paid; believes, if restored, the vessel will belong to Pinto; knows of no private agreement; Pinto is also owner of the slaves, with the exception of those which he has stated belong to himself, to Simon Pereira the Mate, and to José Barbosa Nunez the supercargo. Pereira is a Brazilian, and lives at Bahia when not at sea; does not know where Nunez lived previously to his residence in that city. The Consignee and Lader of the vessel at Lagos was one Ignacio, a native of Brazil, and a resident trader at Lagos. The slaves were to have been landed at Bahia, on account and risk of Pinto, with the exception of 16 slaves belonging to persons on board as before stated; believes the said slaves, if restored, will belong to Pinto, José Barbosa Nunez, Senior, Simon Pereira, and witness, as before stated.

"He knows nothing of the last voyage; the cargo shipped at Bahia was tobacco and dry goods; the present cargo is slaves; 453 were shipped altogether, all from the shore; does not remember their descriptions; none died before, but some have died since capture; does not know how many; after seizure the vessel was taken to Sierra Leone.

"The papers delivered up were and are all true and fair; no papers were destroyed, concealed, or made away with; there are no other papers to his knowledge relating to vessel or cargo. There was no Charter party. He does not know whether the vessel or cargo is insured. The vessel was

under the management of Nunes Senior, the Supercargo, in regard to her trade; bulk was broken at Lagos; no slaves have been disembarked since capture."

Manuel Wianna, the Steward of the detained vessel, was the other witness produced in the case. His evidence proved of rather a limited character, as compared with that of the Master, but served to corroborate it as far as it went.

The number of slaves who died whilst they were in charge of the Prize Officer, proved to be 52, according to the affidavit of that gentleman filed on the 17th instant; on which day also publication of the case was granted, on petition for the same.

On the 19th instant, the Monition issued in this case was returned into Court duly certified, after which the adjudication of this vessel was immediately proceeded to, and a sentence of confiscation passed upon the said brig, her tackle and furniture, and the goods, wares, and merchandize taken on board of her; the survivors of her cargo of slaves, in number 230, at the same time receiving a decree of emancipation.

(Signed)

H. W. MACAULAY.
WALTER W. LEWIS.

Sierra Leone, January 20, 1838.

No. 24.

Her Majesty's Commissioners to Viscount Palmerston.—(Received May 19.)

MY LORD.

Sierra Leone, January 24, 1838.

WE have the honour to enclose to your Lordship our Report of the case of the Portuguese brig "*Camoës*," Antonio Gomes da Silva, Master, captured by her Majesty's schooner "*Fair Rosamond*," on the 28th of September last, and adjudicated on the 22nd instant, in the British and Portuguese court of mixed commission, together with an abstract of the evidence. This report embraces only the first part of the case of the "*Camoës*," ending with her restoration, and a reference to the Registrar of the question of costs, damages, and expenses, due to the claimant for the illegal detention of his vessel.

The "*Camoës*" has been restored for the same approved reason that led to the restoration of the "*Pepita*" on the 14th of August, 1834; namely, that the slaves found on board of her, and on account of whom she was prosecuted, had not been shipped "*for the express purpose of the traffic*," but to afford a pretext to one of Her Majesty's Cruisers for seizing the vessel, and for claiming from the court the emancipation of the negroes, and the condemnation of the vessel in which they were conveyed to this colony.

We are happy to inform your Lordship, that the freedom of the slaves of the "*Camoës*" has not been affected by the sentence which restored that vessel, the claimant having distinctly deposed that he had no connexion with, or interest in them. These persons have accordingly been handed over to His Excellency the Governor, under whom they enjoy the protection and support, received by the other liberated Africans in the colony.

The "*Camoës*" cleared out from Pernambuco in ballast early in February, 1837, and proceeding thence to Bahia, she there took on board a cargo of goods suited to the African trade, and sailed direct to the river Benin, where she arrived in April last. She was still in that river in the month of September, having landed almost the whole of her outward cargo of goods, and waiting, we presume, for a return cargo of slaves, when she was forcibly boarded, and taken possession of, by Her Majesty's schooner "*Fair Rosamond*," on the ground that she had afforded shelter to the piratical crew of another Portuguese vessel lying in the Benin river.

From this detention the "*Camoës*" was released on the following day, but she was again seized by the "*Fair Rosamond*" a few days afterwards, for having slaves on board. During the interval which elapsed between the first and second seizure, the Master and supercargo of the "*Camoës*" were detained on board the "*Fair Rosamond*" as prisoners; and the vessel itself was daily visited by the officers and men of the man-of-war.

It is admitted by the captor's witnesses, that the slaves were not shipped at the instigation of the Master of the "*Camoës*," who was under detention at the time, but by the agent of that vessel, a resident merchant of Benin, with the knowledge, connivance, and assistance of the captor. For full and particular details of the extraordinary circumstances, which preceded and accompanied the seizure of this vessel, we beg leave to refer your Lordship to the inclosed report, and abstract of evidence.

After a laborious investigation of the voluminous evidence produced in this case, we were clearly convinced that the captor had infringed the sixth article of the Portuguese Convention of the 28th of July, 1817, and the first

and second clauses of the First Article of the Instructions of the Men of War, employed to prevent the Illicit Traffic in Slaves; and that it was our duty, in compliance with the Eighth Article of the regulations for the guidance of the Mixed Commissions, in pronouncing judgment in favour of the claimant, at the same time to award to him such costs, damages, and expenses, as he can properly demand for the illegal detention of his vessel.

This award will form the subject of a separate despatch to your Lordship.

(Signed)

H. W. MACAULAY.

WALTER W. LEWIS.

The Right Hon. Viscount Palmerston, G. C. B.

&c.

&c.

&c.

First Enclosure in No. 24.

Report of the Case of the Portuguese Brig "Camoës," Antonio Gomes da Silva, Master.

THE Register or Passport of this vessel is dated at St. Paul de Loando on the 17th December, 1836, and was granted by the Governor, Civil Judge, and Secretary General, of that Presidency, to the Portuguese brig "*Camoës*." For this document José Teixeira Cunha is described as the Master, and João Antonio de Moraes Faria as the Owner, both being Portuguese subjects. The vessel is said to be bound to Cape Verde and Ambriz. She appears, however, from a certificate of the Portuguese Consul at Pernambuco, to have arrived at the latter port on the 20th January, 1837, that is, the 34th day after receiving her Passport at Loando; and the Consul pretends to consider that Pernambuco was merely taken in her way to the places for which she had cleared out at Loando. He accordingly describes the "*Camoës*" as "bound from Angola to the Cape de Verde Islands."

Notwithstanding this certificate, a new Master, Antonio Dias, and a new crew, were appointed to the "*Camoës*" during her stay at Pernambuco; and an endorsement on her original Passport, by the same Portuguese Consul, dated the 3rd February, 1837, states that she was bound from that place to the Cape de Verde Islands, by way of Bahia, St. Thomas', Princes', and other ports of Africa.

The Passport of the "*Camoës*" was again visaed by the Portuguese Consul at Bahia on the 20th of February, 1837, and afterwards, on her departure from the same place, on the 13th March, 1837, on which day she cleared out *solely* for the Cape de Verde Islands, although St. Thomas' and Princes' were also named in her clearances from Pernambuco.

Nothing can more completely shew the system of fraud practised on all such occasions than the fact that, on the very day when the clearance for the Cape de Verde Islands was obtained, a Bill of Lading for the cargo taken on board at Bahia was prepared by the agent of the vessel at that port, and signed by the Master, stating that the "*Camoës*" was bound direct to the river Benin on the coast of Africa.

The "*Camoës*" arrived in the river Benin in the month of April last, and was found there on the 17th of May, 1837, by one of Her Majesty's ships cruising on the coast, as appears by an endorsement on several of her papers. Shortly afterwards, the command of the "*Camoës*" devolved on the present Master, Antonio Gomes da Silva, in consequence of the death of Antonio Dias at Princes' Island, whither he had gone in a small schooner from the river Benin. By the month of September, almost the whole of the outward cargo of the "*Camoës*" had been landed, and she was awaiting her return cargo, which was, we presume, to have consisted of slaves, when she was detained by Her Majesty's schooner, "*Fair Rosamond*," under the following circumstances:—

A Portuguese brig, named the "*Velox*," whilst at anchor in the river Benin, close to the "*Camoës*," had offered resistance to the right of search, which an officer in command of one of the boats of the "*Fair Rosamond*" had attempted to enforce. The "*Fair Rosamond*" had in consequence herself entered the river on the 23rd September last, and after firing at the brig which had offered the resistance, had taken possession of her, and also of her neighbour the "*Camoës*," on board of which vessel several of the crew of the "*Velox*" had swam for shelter.

The men belonging to the "*Velox*" were then separated from the crew of the "*Camoës*," and conveyed on board of the man-of-war, where they were, with the rest of their shipmates, confined in irons as pirates; and the officer and prize-crew in charge of the "*Camoës*" were removed from that vessel, after having been on board about 36 hours.

We have cautiously abstained from making any enquiries into the captor's proceedings with regard to the "*Velox*" and her crew, and have only thus far referred to the facts, stated incidentally in the evidence of the captor's witnesses, in order that the circumstances attending the detention of the "*Camoës*" may be more clearly understood.

During the firing which preceded the seizure of the "*Velox*" and "*Camoës*," Joao Baptista César, the supercargo of the "*Camoës*," and a resident merchant of Benin, but who was unfortunately afloat at the time, and Antonio Gomes da Silva, the Master, left their vessel and were picked up in the water by a boat of the "*Fair Rosamond*," the former whilst swimming, and the latter holding on to the rudder chains of the "*Velox*," and were both immediately conveyed on board the "*Fair Rosamond*," and confined there in irons with the other prisoners belonging to the "*Velox*."

On the day following, the first detention of the "*Camoës*," the "*Fair Rosamond*" weighed her anchor, and took up a berth inside the bar of the river, which she was unable to cross, owing to the prevalence of neap-tides; and she there remained until after the second detention of the "*Camoës*," in a position from which every thing that took place on board that vessel could be clearly seen from her decks; and in the intermediate period, the "*Camoës*" was daily visited by the officers of the man-of-war.

On the 28th of September, while Da Silva was still on board the "*Fair Rosamond*," the "*Camoës*" was again seized, on the ground that she had 138 slaves on board. Mr. George Sayer Boys, Mate, was on the following day placed in charge of the detained vessel as Prize Master; but she could not leave the river until the 2nd of October, owing to the state of the tides at the time.

The "*Camoës*" arrived in this harbour on the 10th of November. She was immediately visited by

the Marshal and Surgeon to the Courts. The former reported the date and particulars of capture; and the latter stated that 22 of the slaves had died on their passage from dysentery, and that nearly the whole of the remainder were in a state of disease. The Surgeon further observed, "there are 8 cases of ulcer, 12 of dropsy, 18 of dysentery, and 44 of crawl-crawl. A general taint of crawl-crawl pervades the whole of these people, and in general aspect they are unusually squalid. Their food, it appears, consisted of farina, and the Brazilian jerked beef. There are neither yams, nor rice on board; and I have no doubt that the very unhealthy appearance of the slaves is mainly attributable to the inadequate quality of the food on which they had to subsist." The Surgeon consequently recommended, that the slaves should be landed as soon as possible, and his recommendation was carried into effect the same day.

The case was then regularly brought before the British and Portuguese Court, on the petition of the Captor's Proctor; the Prize-master's affidavit of the facts of seizure was received; the Captor's declaration was filed; the usual Monition was issued, calling on parties interested in the case to appear; and the witnesses in preparatory produced by the Captor, who were the Master and Boatswain of the detained vessel, were ordered to attend at the Registry on the following morning, for the purpose of their being examined on the standing interrogatories.

The Captor's declaration, the Prize-Master's affidavit of seizure, and the examinations of the Master and Boatswain of the "*Camoës*" on the standing interrogatories, which constituted the evidence in preparatory on the part of the Captor; together with the voluminous evidence subsequently given, in reply to special interrogatories, by the various witnesses, is contained in the "Abstract of Evidence" which accompanies this Report.

On the 15th of November, Antonio Gomes da Silva petitioned, through his Proctor, that he might be allowed to file a claim for the detained vessel and her cargo. The claim, supported by an affidavit, was then received, and is as follows:—

"To the British and Portuguese Court of Mixed Commissions, colony of Sierra Leone.

"Brig "*Camoës*," Antonio Gomes da Silva, Master.

"The claim of the said Antonio Gomes da Silva, the Master of the said brig, a subject of Her Most Faithful Majesty, the Queen of Portugal, for the said brig, her tackle, apparel, and furniture, goods, wares, and merchandize, on board the said brig at the time of the capture thereof by Her Britannic Majesty's schooner, "*Fair Rosamond*," Lieutenant William Brown Oliver commanding, and brought to Sierra Leone; and for the value of the said brig, her tackle, apparel, and furniture, as the sole property of José [Antonio de Moraes Faria, an inhabitant of Angola, and native of Portugal; and her cargo, as the sole property of José Francisco da Azvedo, an inhabitant of Pernambuco, and native of Portugal; as protected by the Treaty or Convention between his late Britannic Majesty, and His late Most Faithful Majesty the King of Portugal, dated the 29th of July, 1817; and for all costs, charges, losses, damages, demurrage, and expenses, which have arisen, or shall or may arise, by means of the capture and detention of the said brig and her cargo, as aforesaid.

Signed)

"ANTONIO GOMES DA SILVA."

Publication of the evidence in preparatory was decreed, on the petition of the Prize Officer, who was obliged to take this step himself, in consequence of the extreme illness of his Proctor, which considerably delayed the case. We are sorry to add that this gentleman, Mr. W. H. Savage, the oldest practitioner in the Courts of Mixed Commissions, died after a lingering illness; nor was it in the power of the officer in charge of the prize, to avail himself of the services of another professional gentleman, until the 8th ultimo.

The Monition, issued on the 10th, was returned into the Registry on the 17th of November, with the certificate of the Marshal, that it had been duly served. From this time, until the 15th instant, examinations of great length were gone into by the Registrar, upon special interrogatories prepared from time to time, by the Proctors for the Captor and Claimant, and by the Commissioners.

The proceedings would have been much earlier closed, but for the repeated examinations of Mr. Boys, the Prize Master, which were rendered necessary by the difficulty, and almost the impossibility, of procuring direct or indirect answers from that gentleman, respecting the most important facts. It is needless to say, that the interests of the parties which Mr. Boys represented were far from being benefited by the course which he thought to pursue in this respect.

On the 16th instant, a joint and final petition was received from the Proctors for the captor and claimant, praying for the perusal of the evidence taken "previous to the hearing of the cause." This petition was complied with, and on Monday last, the 22nd instant, was appointed as the day of adjudication.

When the Court met, the Marshal's report of the slaves of the "*Camoës*," showed the melancholy fact that barely one half of the negroes shipped on the 28th of September were alive on the 22nd of January.

Of the 138 negroes taken on board in the Benin, 22 had died previous to the vessel's arrival on the 10th of November; and of the remainder, 45 died after their being landed in this Colony. It is due to the Prize Master to say, that he appears to have paid every possible attention to the unfortunate persons committed to his charge; nor was sickness produced amongst the negroes by the crowded state of the vessel in which they were brought to this colony; for, according to the prevailing mode of stowing slaves on this coast, at least four times the number actually shipped would have been shipped on board the "*Camoës*."

The mortality then we consider must be owing, as the Surgeon to the Court has stated, principally to the quality and description of the food on which, for so long a time, the negroes were obliged to subsist.

After the evidence taken had been read and commented upon by the Proctors for the prosecution and defence, the Court proceeded to state its opinion. The following is a summary of the observations then made:—

The case of the Spanish schooner "*Pepita*," Pablo Oliver, Master, reported at pages 16 to 23, 28, and 32 to 47 of Class A of the Printed Correspondence, presented to Parliament in 1836, so closely resembles the present in some of the leading features, that it will not be necessary to go at length into the grounds on which the decision of the Court in this instance was founded. In the case of both vessels the slaves brought into this harbour, and on account of whom prosecutions were instituted, had

CLASS A.

D

not been shipped "*for the express purpose of the traffic,*" but with a view to their emancipation by the Mixed Commission Courts at Sierra Leone, and in the hope that the vessels which conveyed them hither would be condemned as good and lawful prizes.

It is an extraordinary coincidence, with regard to each of the detained vessels, that at the time of capture her sails were unbent, and that she was not prepared for sea; and, further, that the officer and men selected by the Captor to carry his prize to Sierra Leone, instead of being thoroughly acquainted with all the attendant circumstances of the seizure, were precisely the persons who possessed the *least* degree of information on the matters necessarily forming the subject of investigation before the Court. In both cases, also, the Court had reason to congratulate itself, that it was not under the disagreeable necessity of restoring the slaves, as well as the vessels, to the claimants, in consequence of their having denied all connexion with the human cargoes. The freedom of the negroes will thus in no degree be affected by a sentence of restoration.

The Sixth Article of the additional Convention with Portugal of the 26th July, 1817, directs that "no British or Portuguese cruiser shall detain any slave ship not having slaves actually on board; and in order to render lawful the detention of any ship, whether British or Portuguese, the slaves found on board such vessel must have been brought there *for the express purpose of the traffic.*"

Also, in the Instructions for the Ships of War employed to prevent the Illicit Traffic in Slaves, and which Instructions form an integral part of the Treaty, the First Clause of the First Article refers to Article VI. of the Treaty already quoted, and the second Clause of the first Article contains this plain direction, or rather prohibition—"Ships, on board of which no slaves shall be found, intended for purposes of traffic, shall not be detained on any account or pretence whatever."

The Court considers that the Captor of the "*Camoës*" has not acted in accordance with the letter and spirit of these Stipulations and Instructions, but in direct contravention of them; and it comes to this conclusion, even from the evidence of the Witnesses who have been furnished by himself.

It has been positively sworn, on one side, that a person of the name of Juan Baptiste Cézár, the consignee of the "*Camoës*," in the river Benin, whilst a prisoner in the hands of the Captors, was carried on board the "*Camoës*," from Her Majesty's schooner "*Fair Rosamond*," where he had been confined in irons, and compelled to write a letter to the chief of a neighbouring town, directing that the slaves belonging to a vessel named the "*Veloz*," which was lying close to the "*Camoës*," should be sent on board the latter vessel; that the said Cézár was accompanied at the time by one of the officers and a boat's crew of Her Majesty's schooner "*Fair Rosamond*," who remained with him all night; and that in consequence of the letter written by Cézár, under these circumstances, the slaves brought into this harbour, on board the "*Camoës*," were sent on board that vessel from the shore.

This statement is met by the Captor's witnesses by what amounts in fact to a full admission; obtained, it is true, with very great difficulty, and after various examinations, but still more important and conclusive on that account. Mr. Boys, the Prize Master, states that the slaves were put on board the "*Camoës*" for the purpose of affording the "*Fair Rosamond*" an opportunity of seizing the former vessel; that he believes himself, and considers there was a similar feeling of conviction entertained by Lieutenant Oliver and the officers of the "*Fair Rosamond*," that the slaves were put on board the "*Camoës*" by Cézár's means; that he believes it was with the consent and knowledge of Lieutenant Oliver that Cézár carried into effect his intention of shipping the slaves; that every facility was given to the said Cézár to carry the measure he proposed into effect. And, with respect to the employment of the boats of Her Majesty's schooner "*Fair Rosamond*," in the manner stated by the witness for the claimant, Mr. Boys states that two officers, Messrs. Helpman and Purchas, were absent from the "*Fair Rosamond*" the whole of the night of the 27th September (the night immediately previous to capture), and he will not swear they were not also absent on the night of the 26th September, nor will he swear that those officers were not on board the "*Camoës*" during the nights referred to.

The conclusion at which the Court has arrived, on a careful view of the whole of the evidence, is, that the slaves, shipped on board the "*Camoës*," were so shipped, not for the express purpose of the traffic, but for the purpose of affording an opportunity to Her Majesty's schooner "*Fair Rosamond*," to seize the former vessel, and with the knowledge, connivance, and assistance of the Captors, and consequently that the "*Camoës*" cannot be condemned under the Treaty with Portugal.

Had this conclusion been less satisfactorily established, considerable suspicion would still have been excited, with regard to the case for the prosecution, from the detention and treatment experienced by the Master and consignee of the "*Camoës*," and from the manifest improbability there was, that 138 slaves should have been shipped *with a guilty intention* on board a vessel unprepared for sea, unprovided with provisions, unable (owing to the neap-tides) to leave the river in which she was at anchor, subject to the continual visits of the boats of a man-of-war, from which all her motions were seen, and close to which she would have to pass, in attempting to prosecute her voyage.

The judgment of the Court was, that the Portuguese brig "*Camoës*," Antonio Gomes da Silva, Master, be restored as claimed; and that, in accordance with the Eighth Article of the regulations for the guidance of the Mixed Commissions attached to the Portuguese Treaty, it be referred to the Registrar to assess the amount of costs, damages, and expenses, due by the Captor, Lieutenant William Brown Oliver, for the illegal detention of the said vessel, and to report the same to the Court on as early a day as possible.

The survivors of the slaves brought to this Colony in the "*Camoës*" were at the same time ordered to be handed over to the Colonial Government, to be employed as servants, or free labourers, but without a decree of emancipation, which could not be pronounced, on account of the irregularity of their capture. Nor could they be restored to the claimant, who had positively denied all property in them.

The Registrar's assessment of damages in this case will form the subject of a separate Report.

Sierra Leone, 26th January, 1838.

(Signed)

H. W. MACAULAY.
WALTER W. LEWIS.

Second Enclosure in No. 24.

Abstract of the evidence given in the case of the Portuguese Brig "Camoës," Antonia Gomes da Silva, Master.

Captor's Declaration.

I, William Brown Oliver, Lieutenant and Commander of Her Majesty's schooner "Fair Rosamond;" do hereby declare that, on this 28th day of September, 1837, being in the river Benin, I detained the brig called the "Camoës," sailing under Portuguese colours, armed with 4 guns, commanded by Antonio Gomes da Silva, who declared her to be bound from the River Benin to Pernambuco, with a crew consisting of 15 men and 5 boys, no supercargo, no passengers, whose names respectively are inserted in a list at the back hereof, and having on board 136 slaves, said to have been taken on board in the River Benin on the 28th day of September 1837, and are enumerated as follows, viz.:

	Healthy.	Sickly.
Men	39	5
Women	20	3
Boys	38	7
Girls	25	1

I do further declare that the said brig appeared to be seaworthy, and was supplied with a sufficient stock of water; but being, in my opinion, deficient of provisions for the support of the said Negroes and crew on their destined voyage to Sierra Leone, I supplied her with yams and farina.

(Signed) Wm. B. OLIVER,

Lieutenant and Commander.

Witnesses,

(Signed)

M. CORY, *Assistant Surgeon.*
H. R. COLE, *Clerk in Charge.*

November 10th, 1837. Mr. George Sayer Boys, Mate of Her Majesty's schooner "Fair Rosamond," and Prize-master of the "Camoës," being duly sworn, deposed, that Her Majesty's ship "Fair Rosamond," is duly authorized and empowered, according to the provisions of the Treaty and Convention subsisting between Her Majesty and Her most faithful Majesty the Queen of Portugal, to make seizures of Portuguese vessels engaged in the illicit traffic in slaves; that on the 28th day of September last, Her Majesty's said schooner "Fair Rosamond," in the River Benin, did seize and detain the brig or vessel called the "Camoës," whereof Antonio Gomes da Silva was found Acting-Master, by reason that the said brig was engaged in the unlawful traffic in slaves, that the papers now produced, marked from No. 1 to 4 inclusive, were delivered to Deponent by the Commanding Officer of Her Majesty's said schooner, "Fair Rosamond," who received the same from the Master of the said detained brig; and that they are now brought and delivered up by Deponent in the same condition as when so received, without any addition, alteration, or subtraction whatever, save the numbering and marking thereof, viz.:

No. 1. Passport.

2. List of Crew.

3. Manifest.

4. Containing 6 Consulate and Custom-house Certificates.

November 11th, 1837. Antonio Gomes da Silva, one of the witnesses in preparatory produced on the part of the Captor, being duly sworn, and examined in the standing interrogatories, deposed that he was born at Oporto, lives at Pernambuco, and has resided there for the last 18 months; that he has never served any State but Portugal; that he was appointed first pilot, and invested with the command of the detained vessel at Pernambuco about 9 months since, by José Francisco de Azivedo, the correspondent of the owner, and a resident merchant of Pernambuco; that another person of the name of Antonio Dias is mentioned in the ship's papers as the Master, but he had no control over the vessel, except with regard to her trade, being wholly ignorant of maritime affairs; that the said Dias went in a small schooner from Benin to Prince's Island, and died there about six months since; that Deponent was present when the detained vessel was captured; that he was attempting to swim on shore at the time, through dread of the man-of-war's shot; that he does not know why his vessel was seized; that there was not a single slave on board his vessel at the time of capture or previously; that after his vessel was seized, the Captors sent on shore, and had a number of slaves, that were in a barracoon there, put on board his vessel; that these slaves had not been purchased by him or by any of his crew, and that he had no connexion with them whatever; that he had no colours but Portuguese; that the detained vessel is called "Camoës;" that he believes about 6 or 7 years ago she was called "Matilda;" that she is 288 tons burthen, and had a crew of 17 mariners and officers, exclusive of witness, all Portuguese, except six seamen, who were Brazilian, and the whole were hired and shipped by witness in Pernambuco about 9 months since; that neither he, nor any of the officers or mariners, had any interest in either vessel or cargo; that he was Master on board; that there were no passengers; that the voyage of the detained vessel commenced at Pernambuco, and was to have ended at the same place; that the last clearing Port was Bahia; that from Pernambuco the vessel went in Ballast to Bahia, where she took on board a cargo of Aquadente and trade goods, and thence proceeded to Benin, where she remained trading for country cloths and ivory until she was captured; that the capturing vessel was first seen at the entrance of the river Benin on the 23rd of September, and capture took place the same day, whilst the "Camoës" lay at anchor there; that there was no chase, nor any attempt made to escape; that the vessel's papers were for the Cape Verds, Bahia, St. Thomas, Prince's, and the Coast of Africa; that no resistance was made; that there were no instructions to resist; that the owner of the vessel is João Antonio de Moraes Faria, a resident Merchant of Loando, a Portuguese by birth and allegiance; that he (deponent) believes the said Faria to be owner, because he has been so informed at Penambuco, and because his (Faria's) name is entered as such in the vessel's papers; that the sole owner of the cargo shipped at Bahia is José Francisco de Azivedo before named; that Joaquim José Duarte da Silva, a resident Merchant and native of Bahia, and the correspondent of Azivedo, was the lader of the said cargo; that João Baptista César, a Portuguese by birth, and a resident trader at Benin, was the consignee at the latter place; that a very small part of the cargo now remains on board, the chief part having been

landed at Benin on account of the said Azivedo; that the slaves were shipped by the captors, and neither the owner of the vessel, nor the owner of the cargo, nor this witness, has anything whatever to do with them; that the captors put on board the detained vessel a large quantity of farina and jerked beef, and about 140 negroes of different sexes, through the agency, witness believes, of two British subjects, Messieurs Hope and Millar, trading at that place; that after capture the vessel was taken to Sierra Leone; that at the time of capture the "*Camoës*" was fired into without any cause; that he was seized by the boats of Her Majesty's schooner "*Fair Rosamond*," whilst endeavouring to get ashore, and was kept on board the man-of-war for eight days with his legs in irons, and chained by the neck on deck the whole time.

Francisco Jozé, the only remaining witness in preparatory produced on the part of the Captor, being duly sworn, and examined on the standing interrogatories, deposed generally to the same facts which had been sworn to by the Master. He stated that he (witness) was present when the "*Camoës*" was captured, but is ignorant of the cause of her seizure; that there was not a single slave on board at the time of capture or previously, the negroes now on board having all been shipped by the captors, after they had seized the vessel; that he has been Boatswain for the last 5 or 6 months; that no resistance to capture was made by the "*Camoës*," but the man-of-war fired into her.

The evidence in preparatory having been closed, publication thereof was prayed on behalf of the Captors. A claim was subsequently filed by Antonio Gomes da Silva, the Master, for the restoration of his vessel, and for all cost, damages, and expenses, arising from her detention.

In support of, and in opposition to, this claim, witnesses were examined at great length, on special interrogatories approved by the Judges of the Court: and we now proceed to give an abstract of the most material points in the evidence given at various times, and in reply to different sets of interrogatories, by each witness.

Antonio Gomes da Silva, the Master of the detained vessel, being duly sworn, deposed, "that he was on board Her Majesty's schooner "*Fair Rosamond*," a prisoner, from 11 o'clock A.M. of the 23d September, till 10 A.M. of the 1st October; that he was chained or ironed during the whole period, except during the day-time of the 27th, 28th, 29th, and 30th of September; that, during those four days, he was under the charge of a sentry, and was allowed to walk backwards and forwards between the two masts but not beyond them; that from the deck of the "*Fair Rosamond*" he saw the captors continually and daily proceeding on board the "*Camoës*;" that about 8 A.M. on the 26th of September the Commander of the "*Fair Rosamond*" was standing at the gangway, calling over the names of the crew of the "*Veloz*" (another Portuguese vessel detained by Lieutenant Oliver), from the Roll of that vessel, when witness made the Commander of the "*Fair Rosamond*" acquainted that he was the Master of the "*Camoës*," and not one of the crew of the "*Veloz*;" that he is certain the officers of man-of-war were well acquainted with the fact; that one of the officers, a tall man, with a long nose, had dined on shore in his company, at Mr. Millar's house, about the middle of September; that Juan Baptista Cézar, the consignee of the vessel, was confined, together with witness, on board the man-of-war; that two days previously to the slaves being shipped on board the "*Camoës*" the said Consignee was released from his irons, and taken by an officer of the man-of-war on board the said brig "*Camoës*" where he remained until the following day; that the said Consignee, on his return to the man-of-war, informed deponent that the captors had forced him to write a note to the Native Chief of the town of Bobim, in the Benin, to induce that Chief to send off some of the slaves belonging to the Portuguese schooner "*Veloz*," (then lying at anchor in the river Benin), on board the said brig "*Camoës*," and that he was promised his freedom on condition of the said slaves being shipped on board the said brig, and that about 140 slaves had been shipped on board the said brig by the said Chief, in consequence thereof; that the said slaves were shipped on board the "*Camoës*" by the order of Cézar, in the first instance, acting under compulsion exercised towards him by the captors, whose prisoner he was; and that the said slaves were so shipped, through the agency of Messrs. Hope and Millar, acting on an understanding with the Commander of the "*Fair Rosamond*;" that neither Cézar, nor any other person on board the "*Camoës*," or on shore in the river Benin, was authorised, in witness's absence, to ship or to receive on board the said vessel any slaves or other cargo.

Francisco Jozé, the Boatswain of the detained vessel, being duly sworn, deposed, that he was on board the "*Camoës*," from the time of her first detention by the "*Fair Rosamond*," until she was captured with slaves on board; that when the "*Camoës*" was first seized, her papers were taken and carried on board the "*Fair Rosamond*," from which vessel they were returned and delivered to him about 24 hours afterwards; that he thought at first the captors intended to give up the vessel, but he found that they still retained the Master and the Consignee as prisoners; that, from the time of the first detention until the slaves were shipped, the captors were every day passing to and fro between the "*Camoës*" and "*Fair Rosamond*," continuing for hours together in the former vessel, and at times remaining part, and sometimes the whole, of the night on board, and giving orders for bending the sails and other things; that he considers the "*Camoës*" was not surrendered from the time of her first detention: that during the period above-stated, and previously to the second detention of the "*Camoës*," Juan Baptista Cézar was brought on board the said vessel by an officer from, and in a boat belonging to, the man-of-war; that Cézar was a prisoner at the time; that another armed boat accompanied that in which Cézar was conveyed; that after they had got on board the officer and Cézar conferred together on deck, through the interpretation of Benedito, the Cook of the "*Camoës*," immediately after which the said Cézar wrote a letter on the trunk of the "*Camoës*," and sent it ashore to the native queen by Josef Maria, one of the seamen of the "*Camoës*;" that no slaves were shipped in consequence of this letter on that day, but on the following morning (the British officer and seamen having remained on board all night with the Consignee Cézar) a number of slaves were brought on board the "*Camoës*;" that the British officer and seamen quitted the "*Camoës*," and went on board a British merchant vessel lying close to the "*Camoës*," so soon as the canoes with the slaves had reached half-way between the shore and the latter vessel, and returned when the contents of the first canoe (20 slaves) had been received on board the "*Camoës*;" that the British continued on board from that time; that during the same day, and whilst the British were on board, 80 more slaves were shipped; during the following day (after the present Prize-officer had joined the "*Camoës*") 40 more slaves were embarked; that he believes that Cézar did not arrange for the shipment of the slaves of his free consent, but that he did it through fear.

of the British, being a prisoner, surrounded by armed men; that when the "Fair Rosamond," first detained the "Camoës," an officer, and about 8 men were placed in charge, and remained on board till the following day; that about 24 hours after they left, another officer and a party of men came on board, accompanied by the Mate of the "Veloz," (who spoke English) and remained about four hours, when the officer directed the crew of the "Camoës" to make their vessel ready for sea, otherwise they would be seized and treated as pirates; that two days afterwards the same officer and party came from the man-of-war, bringing a letter from Cézár, which the officer delivered to witness, with directions to send it on shore to the native Queen, the Mate of the "Veloz" interpreting that it was an order for the shipment of slaves; that witness sent it on shore accordingly; that two days afterwards the British party again returned, bringing Cézár as before stated; that previously to the arrival of the "Fair Rosamond" in the river Benin, none of the sails of the "Camoës," were bent, nor was her rigging rove; that the two topsails were subsequently bent, in consequence of the orders of the British officer; that the remainder of the sails were bent, and the running-rigging rove, under the directions of the present Prize-Officer; that the "Fair Rosamond" was at anchor at the time, not more than a mile from, and within sight of, the "Camoës;" and that it would not have taken more than twenty minutes to have gone from one vessel to the other in the jolly-boat.

Jozé Maria, a seaman of the detained vessel, being duly sworn, and examined on the same interrogatories as the foregoing witness, confirmed the evidence of the boatswain in every material point. "

George Sayer Boys, Mate of Her Majesty's schooner "Fair Rosamond," and Prize Master of the Portuguese Brig "Camoës," being duly sworn, deposed that he was on board the "Fair Rosamond" when the "Camoës" was captured; that the "Fair Rosamond" anchored in the river Benin on the 23rd of September, and found there the Portuguese vessels "Veloz" and "Camoës," and 4 English merchant vessels; that the "Fair Rosamond" first detained the "Camoës" on the same day on which she (the "Fair Rosamond") anchored in the river Benin, viz. the 23rd of September, in consequence of a number of the crew of the "Veloz" (which vessel had offered piratical resistance to the boats of the "Fair Rosamond") having swam on board the "Camoës" for the purpose of avoiding capture; that the said brig "Camoës" was so detained, until the men belonging to the "Veloz" could be selected from her crew; that the officer then placed in charge of the "Camoës" quitted her on the following day, the 24th September, by Lieutenant Oliver's orders; that Da Silva, the Master of the "Camoës," was not on board his vessel when she was detained on the 23rd September; that the said Da Silva was found by witness at the time in the water, naked, and holding on to the rudder-chains of the "Veloz," whence he was immediately conveyed, in the boat of the "Fair Rosamond," on board the latter vessel, where he was secured with the crew of the "Veloz;" that on the day succeeding the first detention of the "Camoës," the "Fair Rosamond" weighed anchor, and dropped down close to the entrance of the Benin; that she remained there during the interval between the 23rd and 28th September, being unable to get out, owing to the neap tides, and at a distance of 4 miles from the "Camoës;" that the date of the second detention of the "Camoës" was the 28th September, and the detained vessel left Benin on the morning of the 2nd October; that the "Camoës" could be seen from the deck of the "Fair Rosamond," and of course *vice versa*; that he does not know the town "Bobim" by name, but the nearest native town from both vessels was about 2 miles distant; that Da Silva, the Master of the "Camoës," was kept in irons on board the "Fair Rosamond," in consequence of the captors not being able to ascertain satisfactorily whether he belonged to the "Camoës" or not; that no person belonging to the "Camoës," besides Da Silva, the Master, was confined on board the "Fair Rosamond;" that it was stated on the 25th September, by one of the crew of the "Veloz," that Da Silva was one of the crew, and the Master of the "Camoës;" that he was in consequence released from irons, but it was not ascertained until the 27th September that he was *in fact* the Master of the "Camoës;" that on the latter day Messieurs Hope and Millar informed Lieutenant Oliver that Da Silva was the Master of the "Camoës," but he was not conveyed on board his own vessel until the 29th, in consequence of there being no boat of the "Fair Rosamond" for the purpose; that on Da Silva being conveyed on board the "Fair Rosamond" on the 23d September, he was immediately secured; that he was released at daylight on the morning of the 29th September, the day after the second detention of the "Camoës;" that at first Da Silva was ironed by both legs, and chained to 10 or 12 other persons by the body (the chain passing over one shoulder and under the other) on the deck of the "Fair Rosamond," between the fore and main masts, under a rainy-season awning; that on the morning of the 25th September, Da Silva's irons and chains were taken off, and he was allowed to walk the deck under the charge of a sentry; that during the period of Da Silva's confinement in irons, he and the party to whom he was chained were temporarily released by turns, during the day time, for the purpose of allowing them to take exercise; that during the whole period of Da Silva's detention, he was kept on deck, but under the awnings of the "Fair Rosamond;" that Da Silva was detained on board the "Fair Rosamond" from the afternoon of the 23rd September till the morning of the 29d of September; that Da Silva was on board the "Fair Rosamond" at the time the slaves were embarked on board the "Camoës;" that Da Silva was put on board the "Camoës" by a boat of the "Fair Rosamond" the day after the second detention; that Cézár (the agent of the "Camoës") was, as well as the Master, captured naked, and swimming in the water, on the 23rd September, and was immediately conveyed on board the "Fair Rosamond," and confined in the same manner and place as the other prisoners; that Cézár had his chain and irons taken off on the 25th September at the same time as the Master of the "Camoës," in consequence of its being understood that he was the agent of the "Camoës," and he was then kept a prisoner at large under the charge of a sentry; that after it was discovered, on the 25th September, that Cézár was the agent of the "Camoës," he was detained in custody, that it might be ascertained whether he was on board the "Veloz" at the time of her resistance to capture, with the object of treating him in the same manner as the people of the "Veloz," if that fact should be established; that on the 26th September, Messrs. Hope and Miller came off from the shore to the "Fair Rosamond," and acquainted Lieutenant Oliver with the fact that Cézár was not one of the crew either of the "Veloz" or "Camoës;" that Cézár was not thereupon immediately released from confinement, that it was still requisite to ascertain whether Cézár was one of those who committed an act of piracy on a boat of the "Fair Rosamond;" that deponent is unable to state exactly the time at which Cézár was finally relieved from all constraint, and became a free agent, and at liberty to go where he liked, and to do as he pleased; but, to the best of deponent's knowledge and

belief, he was so liberated on the afternoon of the 27th September, and was not again subjected to any control whatever; that deponent does not know by whom the slaves were sent on board the "*Camoës*" on the 28th September; that he believes Cézar had something to do with it; that he believes that there was some communication between Lieutenant Oliver and Cézar on board the "*Fair Rosamond*," relative to the shipment of the slaves, but knows nothing positive on the subject; that he did not see the slaves conveyed on board the "*Camoës*," and does not know to whom the camoes belonged in which the slaves were so conveyed; that he does not know the owner of the slaves, nor at what time of the day the slaves were put on board the "*Camoës*;" that he was not on board the "*Camoës*" on the 28th of September, the day of her second detention, and did not take charge of her until the morning of the 29th of September; that his reason for believing that some communication took place on board the "*Fair Rosamond*," between Lieutenant Oliver and Cézar, relative to the shipment of slaves on board the "*Camoës*," is, that Cézar had said to witness a few hours after he (Cézar) had been liberated from irons, that if he (Cézar) could get on shore, he would put slaves on board; that this communication was made to witness by Cézar, through the interpretation of one of the crew of the "*Velox*," and was communicated by witness to Lieutenant Oliver; that witness afterwards observed that Lieutenant Oliver had communications with Cézar; that in consequence of the communications alluded to, witness believes that every facility was afforded to Cézar to carry the measure he proposed into effect; that the facilities to which witness alludes were, that he (Cézar) was allowed to go on board the "*Camoës*," when he pleased, in a boat of the "*Fair Rosamond*," by order of Lieutenant Oliver, and of that facility Cézar availed himself twice on the 27th of September; that he knew Cézar was the consignee of the "*Camoës*;" that he heard from Cézar that he had written a letter to the Native Queen, a statement which was afterwards confirmed to witness by one of the officers of the "*Fair Rosamond*;" that witness believes Cézar was actuated by the impression, that if he put slaves on board the "*Camoës*," and allowed the "*Fair Rosamond*" to seize her, the people of the "*Velox*" would be released from their confinement, and from the charge of piracy; that he had no other grounds for this belief than the general opinion which prevailed on board the "*Fair Rosamond*," that Cézar did entertain that impression, and the statement made to witness by Cézar, that if he (Cézar) were allowed to go on shore, he would put the slaves on board; that it was with the previous knowledge of Lieutenant Oliver, and of the officers of the "*Fair Rosamond*" generally, that Cézar was concerned in procuring the shipment of slaves; that witness believes it was with the consent and knowledge of Lieutenant Oliver, that Cézar carried into effect his intention of shipping slaves; that he has been informed by Cézar, that the "*Velox*" and the "*Camoës*" belonged to the same owners, and that he (Cézar) was the agent for both vessels; that it was generally believed that the slaves shipped on board the "*Camoës*" had composed part of the cargo of the "*Velox*" but witness has no certain knowledge of the matter; that he cannot swear that he believes the slaves sent on board the "*Camoës*" were so sent for the purpose of being sold; that, to the best of his belief, the negroes found on board the "*Camoës*" were put on board for the purpose of affording the "*Fair Rosamond*" an opportunity of seizing the former vessel; that to the best of his knowledge and belief Cézar was the person who entertained the purpose of so doing, and who afforded to the "*Fair Rosamond*" the opportunity of seizing the "*Camoës*;" that the "*Camoës*" was first detained on the 23rd September, and released on the 24th; that on the 25th, 26th, and 27th of September, she was visited once daily, and not oftener, by Mr. Helpman, the senior Mate, and a party from the "*Fair Rosamond*;" that these visits were made in consequence of a report that the natives were stealing the slaves from the Barracoon on shore, and a belief that the owners of slaves had no place of greater security to place them in than on board the "*Camoës*;" that he is aware that Cézar was conveyed from the "*Fair Rosamond*" to the "*Camoës*" one or two days before the second detention of the latter vessel, in a boat of the "*Fair Rosamond*," accompanied by another boat belonging to the same vessel; that one of the boats of the "*Fair Rosamond*" was absent the whole of one or two nights (witness does not remember which) during the interval between the first and second detention of the "*Camoës*," but where the officer and men passed the night he cannot be positive and certain; that on the 26th and 27th September, Messrs. Cole and Ricketts, two officers of the "*Fair Rosamond*" were relieving each other on board the piratical vessel "*Velox*," and were alternately absent from the "*Fair Rosamond*" during the nights of those two days; that Mr. Helpman and Mr. Purchas, two other officers of the "*Fair Rosamond*," were absent the whole of the night of the 27th, and he cannot swear positively that they were not absent also on the night of the 26th September; that he cannot swear that neither Mr. Helpman nor Mr. Purchas was on board the "*Camoës*" during the night of the 26th or 27th September; that to the best of his knowledge and belief the whole number of slaves captured in the "*Camoës*" were actually on board that vessel at the moment when she was boarded and seized by Mr. Helpman, on the 28th September; that no slaves, to his knowledge, were received on board subsequently; that no slaves were received on board the "*Camoës*" subsequently to witness taking charge of her; that the "*Camoës*," according to the prevailing method of stowing slaves, is capable of carrying 500 slaves; that subsequently to the second detention of the "*Camoës*," about 1500 yams, 70 or 80 pounds of jerked beef, and 15 or 20 bags of farina, carrying about one bushel each, were put on board that vessel by the captors; that the whole of the said yams and farina, and nearly all the jerked beef, were used by the slaves in their passage to this port; that all that it was found necessary to do to the "*Camoës*," after her second detention, in order to fit her for sea, besides taking in the provisions above-stated, was, to bend her sails; that Mr. Helpman, with 6 British seamen, bent 3 or 4 of her sails, and moved her into a berth close to the "*Fair Rosamond*;" that, on the following morning, witness took charge, and, with 4 English sailors, bent the remainder of her sails, in about 4 hours.

Charles Hooper, seaman of Her Majesty's schooner "*Fair Rosamond*," and one of the prize crew of the Portuguese brig "*Camoës*," being duly sworn, deposed that the "*Camoës*" was first detained by the "*Fair Rosamond*" in consequence of the people of the "*Velox*" having jumped overboard and swam on board the "*Camoës*;" that the "*Camoës*" was detained until the people of the "*Velox*" could be separated from the crew of the "*Camoës*;" that the "*Camoës*" was given up by the captors within 36 hours of her first detention, and previously to her being seized for having slaves on board; that he was not employed in the boats of the "*Fair Rosamond*" engaged in the seizure of the "*Camoës*" for having slaves on board; that he was not employed on any previous occasion, on the "*Camoës*" being visited by the boats of the "*Fair Rosamond*;" that the "*Camoës*" could be seen from the "*Fair Rosamond*" during her stay in Benin; that Antonio Gomes da Silva, the Master of the "*Camoës*," was kept in irons on board the "*Fair Rosamond*," because it was not certain whether he was the

Master of the "*Camoës*" or not; that the slaves were not put on board the "*Camoës*" by the captors, but to the best of witness's belief by a man named Cézar; that his only reason for supposing Cézar put the slaves on board the "*Camoës*" is, his belief that the crew of that vessels were under the impression that, if Cézar did not put the slaves on board of her, they would be treated as pirates; that he cannot give any reason for this belief (respecting the impression referred to by him as being entertained by the crew of the "*Camoës*.")

Sierra Leone, January 26, 1838.

No. 25.

His Majesty's Commissioners to Viscount Palmerston.—(*Received May 12.*)

MY LORD,

Sierra Leone, February 19, 1838.

On the 26th ultimo we had the honour to transmit to your Lordship our Report of the case of the Portuguese brig "*Camoës*," Antonio Gomes da Silva master, ending with the restoration of that vessel to the claimant.

We have now the honour to enclose our Report of the second part of the case, embracing the demand of the claimant for costs, damages, and expenses, occasioned by the illegal detention of his vessel.

We beg leave further to enclose certified Copies of the Registrar's final Report of the amount to which, in his opinion, the claimant was entitled; of the minute respecting the confirmation of that Report by the Court; and of the certificate of award.

The Court finally met on the 9th instant, for the adjudication of the claim, when an unconditional decree was pronounced in favour of the claimant for the sum of 1734*l.* 14*s.* 0*d.* (seventeen hundred and thirty-four pounds fourteen shillings.)

A certificate in triplicate of the amount awarded to the claimant was granted to him on the 16th instant, and his receipt taken for the same, as well as for the ship's papers, which were delivered up to him, the facts of the capture and restitution of the "*Camoës*" having previously been endorsed on the register of the vessel.

We have, &c.

(Signed)

H. W. MACAULAY.

The Right Hon. Viscount Palmerston, G.C.B.

WALTER W. LEWIS.

&c.

&c.

&c.

First Enclosure in No 25.

Report of the second part of the case of the Portuguese brig "Camoës," Antonio Gomes da Silva, Master.

On the 25th ultimo, the Claimant's Proctor petitioned that his schedule of costs, damages, and expenses, verified by the affidavit of the Claimant, might be received and filed. The petition was immediately granted; but, owing to the illness of the Claimant, he could not attend to make the necessary deposition before the 2nd instant, on which day the Proctors of each party, together with the Claimant and Prize Master, were convened before the Registrar, for the purpose of sustaining or objecting to the different items of the claim.

A Court assembled on the 7th instant, to consider the Registrar's report, and to hear the arguments of the Proctors thereon. It was urged on the part of the Captor, that demurrage could not be granted in this case, as the Captor might be said to have been led into error by the fault of the Captain of the detained vessel. It had, however, been so clearly laid down in the cases of the "*San Rafael*" and "*Pepita*," that neither an *intent* to trade in slaves, nor a complete *equipment* for the purpose, is "the voluntary and reprehensible fault" contemplated by the 8th Article of the Regulations attached to the Portuguese Treaty, that this agreement was overruled.

The Court directed the Registrar to amend his report in one particular. The Registrar had allowed the Claimant's demand for provisions and wages for 21 men (the number of persons on the vessel's Muster-roll or list of crew); but the Court ordered that, as the Master of the "*Camoës*" had deposed that he was engaged in lawful traffic at the time of his capture, wages and provisions should be allowed only for such a number of mariners, as would be required for the navigation of the "*Camoës*" on a legitimate voyage. The Registrar's report was therefore amended in this respect, and brought up for confirmation on the 9th instant, on which day the Court pronounced its final judgment.

The amount allowed by the Registrar for "costs of suit" was confirmed. The amount awarded by the Registrar for demurrage and other claims, under the head of "special damages and expenses," was also confirmed. The Registrar's report was approved with regard to the sums disallowed under the above heads, and under the head of "damages not within the precise terms of the Treaty."

And the Court thereupon did award and decree, that William Brown Oliver, Esq., Lieutenant and Commander of Her Britannic Majesty's schooner "*Fair Rosamond*," the Captor in this case, do pay to Antonio Gomes da Silva, the Master of the detained brig "*Camoës*," and the Claimant in this case, or to the lawful Attorney or Attornies of the said Claimant, but for the use of the Owners and Proprietors of the said brig, absolutely and unconditionally, the sum of 1734*l.* 14*s.* (one thousand, seven hundred, and thirty-four pounds, fourteen shillings), being for costs of suit, and such damages and expenses as the Claimant is entitled to for the illegal detention of his vessel.

On the 16th instant, the Claimant's Proctor petitioned that the ship's papers and other documents, delivered up to the seizer at the time of capture, and filed in the Registry, and also the usual certificate in triplicate, showing the amount of damages awarded, might be given to the Claimant.

This petition was complied with; and receipts were taken by the Registrar, both for the certificate of award and the ship's papers, which were delivered to the Claimant on the same day; an endorsement having first been made on the Passport, stating the prosecution and restoration of the vessel, in the British and Portuguese Court of Mixed Commission, established in this Colony

Sierra Leone, 19th February, 1838.

(Signed)

H. W. MACAULAY.
WALTER W. LEWIS.

Second Enclosure in No. 25.

Portuguese brig "Camoës," Antonio Gomes da Silva, Master.

To the trusty and well-beloved Henry William Macaulay, Esq., Her Britannic Majesty's Commissary-Judge, and Walter William Lewis, Esq., Her Britannic Majesty's Commissioner of Arbitration, acting in the absence of Commissioners on the part of Her Most Faithful Majesty the Queen of Portugal,—

I Whereas, by your decree of the 22nd day of January, 1838, you pronounced the said brig and cargo to have belonged as claimed, and decreed the same to be restored to the Claimant, for the use of the Owner and Proprietor thereof, with costs, damages, and expenses; and referred the consideration of such costs, damages, and expenses to your Registrar, and that he should report the amount thereof. And whereas such report was made on the 2nd instant, and directed to be amended, in accordance to your decision. I now humbly beg to report the Claimant is entitled to the several sums mentioned in the annexed schedule, amounting to the sum of 1734l. 14s.

All which is humbly submitted.

(Signed)

M. L. MELVILLE,
Registrar.

Sierra Leone, 9th February, 1838.

In the Case of the Portuguese Brig "Camoës," Antonio Gomes da Silva, Master.

Schedule of Costs, Damages, and Expenses.

£. s. d.		£. s. d.	£. s. d.
63 0 0	Claimed for costs of suit. Allowed 35 guineas . . . . .	. . .	36 15 0
	<i>Losses and Damages which the Claimant has actually sustained by Detention.</i>		
173 6 8	Claimed for a large long boat lost by the Captors in the river Benin, 800 dollars. Considering that the boat was not coppered, and that it appears to have been somewhat ancient, I allow	25 0 0	
1 0 0	Claimed for 4 water-pumps on board at the time of capture, but only a broken one found on board when the vessel was restored, at 5s. each.		
1 4 0	Claimed for 24 tin pots not now on board, at 1s. each. Allowed for these 2 items, by consent of parties	1 1 0	
100 0 0	Claimed for medicines taken out of the medicine chests at the time of capture by the Captor, and a quantity used by them on the passage to this port. The Prize Officer admits to some of the medicines having been used for the slaves on their passage up, and as it appears there is still a quantity remaining in the three chests on board, I allow a like sum as in the case of the " <i>Pepita</i> "	5 0 0	
54 10 0	Claimed for 3½ pipes of aquadente on board at the time of capture, but none there now, the Captors having used part of it, and allowed the remainder to leak out, 476 gallons at 2s. 6d. The loss of the quantity being admitted on the part of the Captors as having arisen from leakage, or the deprivations of the negroes, I allow at the same rate as in the case of the " <i>Pepita</i> ," viz. 2s. per gallon	47 12 0	
350 0 0	Claimed for caulking the vessel throughout, and repairing damage done to the sails, the same having been unbent by the Captor, and stowed in the hold in a damp state, by which they are rendered almost useless (two top-sails and two top-gallant sails having also been cut by the Captors), refitting running and standing rigging, the vessel having been detained a period of four months. The claim for caulking the vessel, and repairing the standing and running rigging, having been withdrawn, inasmuch as it appeared that no damage beyond natural wear and tear had been incurred, this item is restricted to a claim for repair of sails, and I allow, by consent of parties	25 0 0	
741 0 8	Carried forward	103 13 0	36 15 0

£ s. d.		£. s. d.	£. s. d.
741 0 8	Brought forward . . .	103 13 0	36 15 0
2 10 0	Claimed for Harbour Master's dues.		
	Allowed . . .	2 10 0	
18 13 6	Claimed for tonnage-duty on 249 tons at 1s. 6d.		
	Allowed . . .	18 13 6	
15 0 0	Claimed for wooding and watering.		
	I allow . . .	10 0 0	
16 4 0	Claimed for board and lodging of the Master, from the 13th November, 1837, to 26th January, 1838—74 days at 4s. 4d.		
	I do not allow this charge, as it appears the Master might have resided aboard if he pleased, and that during the whole period he received a naval ration.		
11 14 0	Claimed for 12 bags farina, that which is left on board by the Captor being damaged, at 4½ dollars.		
	The quantity being admitted on the part of the Captor, I allow the same rate as in the case of the " <i>Vencedora</i> ," viz. 5s. per bag	3 0 0	
	The following sums claimed to replace cabin stores and stock taken and consumed by the Captor :—		
10 0 0	Claimed for ½ cask port wine.		
5 8 4	Do. 1 large hog and 1 pig, 20 doll. and 5 doll.		
2 10 0	Do. ½ barrel beef.		
2 10 0	Do. ½ do. pork.		
8 5 0	Do. 1 cask, 1 demijohn olive oil, 11 galls. at 15s.	20 0 0	
	Allowed by consent of parties . . .		
115 10 0	Claimed for provisions for 21 men, from this port to Benin, the place of capture, estimating the passage at 35 days, and 20 days required to prepare her for sea, making 55 days for 21 men at 2s. per day each.		
	I am of opinion that the time and rate allowed in the case of the " <i>Pepita</i> ," are ample in the present instance, and Mr. Hamilton, the Commissioner of Appraisalment and Sale, a gentleman much experienced in those matters, having been referred to, and having given it as his opinion that 14 men, including the Master, would be a sufficient crew for such a vessel as the " <i>Camoës</i> ," if engaged in a lawful voyage, I accordingly allow 35 days' provisions for that number, at 1s. 3d. per diem . . .	30 12 6	
119 3 4	Claimed for wages for 20 men, during the above period, at an average of 65s. per month.		
	I allow for 18 men at the same rate as in the cases of the " <i>Maria da Gloria</i> " and " <i>Pepita</i> ," 60s. per month . . .	45 0 0	
1512 0 0	Claimed for demurrage from 23rd September, 1837, to 26th January, 1838, 126 days at 12l. per diem.		
	I am of opinion the claimant is entitled to demurrage from the 23rd September, 1837, to the 22nd January, 1838, both days inclusive, at the rate of 12l. per diem; I allow therefore . . .	1464 0 0	
	<i>Damages not within the precise Terms of the Treaty.</i>		
276 0 0	Claimed for freight of 138 negroes from the river Benin to Sierra Leone, shipped on board the " <i>Camoës</i> ," by the instigation of the captors, at 2l. each.		
	Demurrage having been claimed and allowed for the whole period of the vessel's detention, I am of opinion the Claimant is not entitled to freight for the negroes . . .		1697 19 0
2858 8 10			1734 14 0

Amounting to the sum of one thousand seven hundred and thirty-four pounds, fourteen shillings.
Sierra Leone, 9th February, 1838. (Signed) M. L. MELVILLE,
 Registrar.

British and Portuguese Court of Mixed Commission, Sierra Leone.

Before Henry William Macaulay, Esq., Her Britannic Majesty's Commissary-Judge, and Walter William Lewis, Esq., Her Britannic Majesty's Commissioner of Arbitration in the said Court, as associated with the Commissary-Judge aforesaid, in the absence of either of the Commissioners on the part of Her Most Faithful Majesty the Queen of Portugal.

Present, Michal Linning Melville, Esq., Registrar.

Friday, the 9th day of February, 1838.

Brig "Camoës," Antonio Gomes da Silva, Master.

The amended report of the Registrar in this case having been brought up and read, the Court confirmed the same; that is to say, so much therein as the Registrar stated that the Claimant was entitled to for costs of suit;—so much therein as the Registrar stated his opinion that the Claimant was entitled to for demurrage, and for losses and damages actually sustained by detention;—and so much therein as the Registrar stated his opinion that the Claimant was not entitled to for freight of the negroes, put on board the "Camoës," at the instigation of the captors. The Court, therefore, did award and decree, that William Brown Oliver, Esq., the Captor in this case, do pay to the said Antonio Gomes da Silva, the Claimant, or his lawful Attorney or Attorneys, for his use, absolutely and unconditionally, the sum of 1734l. 14s., for the said costs of suit, and for special damages, expenses, and demurrage occasioned to the said brig by her detention.

British and Portuguese Court of Mixed Commission, Sierra Leone.

In the case of the Portuguese brig "Camoës," Antonio Gomes da Silva, Master, seized and detained by Her Britannic Majesty's schooner of war "Fair Rosamond," Lieutenant William Brown Oliver, commanding, under a charge of being engaged in the illicit traffic in slaves.

These are to certify that the said Portuguese brig "Camoës," her cargo, tackle, apparel, and furniture, were prosecuted in the British and Portuguese Court of Mixed Commission established at Sierra Leone, for the prevention of the Illicit Traffic in Slaves by the said Lieutenant William Brown Oliver, under a charge of having on board 138 slaves at the time of the seizure and detention thereof, and that it appeared to the said court, that the said Lieutenant William Brown Oliver, did not adduce any evidence to prove that the said 138 slaves were on board for the express purpose of the Illicit Traffic in slaves; but that, on the contrary, the said 138 slaves were placed on board the said vessel, with the knowledge, consent, and connivance of the said Lieutenant William Brown Oliver;—without the privity of the said Antonio Gomes da Silva, the master of the said vessel, and for the purpose of affording an opportunity to the said Lieutenant William Brown Oliver, to detain the said vessel.

Wherefore conformably to the provisions of the Treaty between Her Majesty, and Her Most Faithful Majesty the Queen of Portugal, of January 22d, 1815, and the additional convention thereto, signed at London on July the 28th 1817; the said brig "Camoës," her cargo, tackle, apparel, and furniture, were, on the 22d day of January, 1838, pronounced by the said court to belong as claimed; and the said court decreed the same to be restored to the said Antonio Gomes da Silva, the Claimant, or to his lawful Attorney or Attorneys, for the use of the Owners and proprietors of the said brig; together with the costs, damages, and expenses, incurred in consequence of the said seizure and detention.

And these are further to certify, that the sum awarded by the said court to the said Antonio Gomes da Silva, the Claimant aforesaid, or to his lawful Attorney or Attorneys, for the use of the owners, and proprietors of the said brig, in consideration of the said costs, damages, and expenses incurred through the said seizure and detention, amounts to £1734 14s.; all which matters and things more fully appear by the records of the said court; and for which three certificates, of the same tenor and date, have been granted to the said Antonio Gomes da Silva, to serve as one.

In faith and testimony whereof we have hereunto set our hands, and affixed the seal of the said court of Mixed Commissioners at Freetown, in the Colony of Sierra Leone, this 9th day of February, in the year of Our Lord 1838.

(Signed)

H. W. MACAULAY.
WALTER W. LEWIS.

(Signed) M. L. MELVILLE, Registrar.

These are to Certify that the documents hereunto annexed, are just and true copies of the "Registrar's Report," made in the British and Portuguese Court of Mixed Commission, established at Sierra Leone, in the case of the Portuguese brig "Camoës," Antonio Gomes da Silva, Master; of the "Minute" of the proceedings of the said court, confirming the aforesaid Report; of and the "Certificate" of restoration, with costs and damages, of the before-named brig, signed by the judges of the said court.

In Faith and Testimony whereof I have hereunto set my hand, and affixed the seal of the Mixed Commission at Freetown, in the Colony of Sierra Leone, this 28th day of February, in the year of our Lord 1838.

(L. S.)

M. L. MELVILLE, Registrar.

No. 26.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, June 13, 1838.

Your Despatch marked Portugal of the 26th January, 1838, having under my direction been transmitted to the Board of Admiralty, and the attention of the Lords of the Admiralty having been drawn to the circumstances, under which the Portuguese brig "Cameos" was seized by Her Majesty's brig "Fair Rosamond," their Lordships have intimated to me, that they have expressed their disapprobation of the conduct of Lieutenant Oliver in this matter.

I am, &c.

(Signed)

PALMERSTON.

Her Majesty's Commissioners,
&c. &c. &c.

No. 27.

Her Majesty's Commissioners to Viscount Palmerston.—(Received June 21.)

MY LORD,

Sierra Leone, March 3, 1838.

With reference to your Lordship's Despatch, dated September 25th, 1837, on the subject of Mr. Joseph Egan's appointment as British Consul at the Cape Verd Islands, we have the honour to inform your Lordship, that we have learned with much regret, that the death of that gentleman took place within a fortnight after he had arrived at his post.

This melancholy intelligence has been communicated to us by Mr. J. F. Gomes, whose arrival in this colony from the Cape Verd Islands, and installation as his Imperial Majesty's Commissioner of Arbitration, we had the honour to report on the 26th ultimo.

We hoped to have received much useful information from Mr. Egan; and we trust that another gentleman will shortly be appointed to the same station; for recent experience shows, that there is now a greater necessity than ever for such a resident in that quarter.

We have, &c.

(Signed)

H. W. MACAULAY.

The Right Hon. Viscount Palmerston, G.C.B.

R. DOHERTY.

&c.

&c.

&c.

No. 28.

Her Majesty's Commissioners to Viscount Palmerston.—(Received June 21.)

MY LORD.

Sierra Leone, March 8, 1838.

WE have the honour to enclose our Report of the case of the Portuguese brigantine "*Arrogante*," Augusto C  zar Medina, Master, together with an abstract of the evidence submitted to the Court.

The "*Arrogante*" was formerly the Spanish Slave vessel "*Urraca*," and has frequently come under the notice of Her Majesty's Commissioners at Havana. The Portuguese flag, which was assumed at the Cape Verd Islands, was, we believe, only a cover for Spanish interests; as the former Spanish captain, who transferred the vessel to her present ostensible owners, is entered on the official muster-roll as the first officer under the Portuguese captain, who was appointed to the command when the "*Urraca*" changed her name and her nationality.

On the 3rd of December, 1836, the "*Arrogante*" became a Portuguese vessel, and on the 23rd of the following month received a passport as such from the Civil and Military Governor of the Cape Verd Islands. There is no indorsement to show for what place the "*Arrogante*" then cleared out, nor is any thing known of her movements until the 7th of September last, except that she was at Cadiz on the 29th of March, 1837, on which day her passport was visaed by the Portuguese Consul-General at that port. We have no doubt, that a successful slaving trip was made, in the period which intervened between the departure of the "*Arrogante*" from Cadiz and her return to the Cape Verd Islands.

The "*Arrogante*" cleared out from St. Jago for Havana on the 7th of September, 1837, and her official muster-roll certifies, that she had then on board a crew of 37 persons. The log-book, however, describes her as not having left Porto Praya before the 23rd of September. On the 14th of the following month the "*Arrogante*" left the river Gallinas, with a full cargo of Slaves, and was captured off Cuba on the 23rd of November, by Her Majesty's Sloop "*Snake*," Alexander Milne, Esquire, Commander.

After capture, the detained vessel was carried to Montego Bay, Jamaica, where the Slaves, owing to their sickly and debilitated state, were landed, and the vessel herself was despatched to Sierra Leone, with the necessary papers and witnesses, under the charge of Lieutenant Robert Boyle Miller.

On the 27th ultimo, the case was brought into Court, and the evidence of the witnesses produced by the captor, having proved that the "*Arrogante*" was illegally engaged in Slave Trade at the time of her capture, the British and Portuguese Court of Mixed Commission, on the 6th instant, decreed the condemnation of that vessel, and the emancipation from slavery of the survivors of the slaves, who had been landed from her at Jamaica.

E 2

After a sentence of condemnation had been pronounced, the captor's proctor moved that, instead of issuing a commission for the appraisement and sale of the condemned vessel, then in the harbour, the Court would permit her to be made use of to carry back Lieutenant Miller and his prize-crew to Her Majesty's Sloop "Snake," in the West Indies, and to be sold there for the benefit of the parties concerned. We felt bound to refuse a compliance with this request; and, for the grounds of our decision, we beg leave respectfully to refer your Lordship to the enclosed Report.

We have, &c.

(Signed)

H. W. MACAULAY.
R. DOHERTY.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

First Enclosure in No. 28.

Report of the Case of the Portuguese Brigantine "Arrogante," Augusto César Medina, Master.

THE papers of this vessel presented to the Court are four in number; viz., a General Passport, an Official Muster-roll or List of Crew, a Notarial Copy of a Bill of Sale, and a Log-book.

1. The Passport is dated at Villa da Praya, in the Island of St. Jago, on the 23rd of January, 1837; and is granted by Domingo Correa Arouca, the Civil and Military Governor of the Cape de Verde Islands, to the Portuguese brigantine "*Arrogante*." It describes the vessel as being owned by a Portuguese subject, named Antonio Donizio Furtado, commanded by Augusto César Medina, and measuring 155 tons. She is said to be armed, for her own security, with 1 brass 12-pounder revolving gun, 26 muskets, 29 cutlasses, and 3 pistols; and she is authorised to navigate the seas as a Portuguese vessel, with a crew, not less than two-thirds of whom must be Portuguese subjects. A note is appended on the following day (the 24th of January, 1837) stating, that the owner of the vessel had signed an agreement at the Secretary's Office of the Government, by which he is bound to warn the different Commanders of his vessel not to engage in the "inhuman traffic in slaves."

The next endorsement is dated at Cadiz on the 29th of March, 1837, in the Office of the Consul-General of Portugal at that place. It is signed "Manoel de Souza Machado, Consul-General," and merely states that the Passport had been visaed by that officer, on the return of the vessel to the Cape de Verde Islands.

Nothing further is noted on the face of the Passport until the 7th of December, 1837, on which date a Clerk in the Secretary's Office of the government of the Cape de Verde Islands, certifies that the "*Arrogante*" was about to proceed on a voyage to Havana.

2. The Official Muster-roll or List of Crew is in the usual form. It is dated at the Cape de Verde Islands on the 7th of September, 1837, and describes the vessel as bound to Havana with a crew of 37 persons, including the Master and the cabin boys.

3. The Bill of Sale, of which this paper is a copy, is dated at Villa da Praya on the 3rd of December, 1836. The copy produced is certified to be correct by Miguel de Britto Pereira, an authorised Public Notary. This person declares that Don Bartholomew Cavalleiro, the seller, and Antonio Dionizio Furtado, the purchaser, are well known to him and of good credit; that the two witnesses, Candido Paulo Medina and Anastacio Florindo Medina, are both known to him, and their signatures are with the authorities; and that the brigantine previous to her sale was Spanish, and called "*Urraca*." A certified copy of a receipt, signed by Antonio Muniz de Aranjó, a Clerk in the Custom House, is then added, to prove that the Government duty of 15 per cent. on the purchase-money had been paid by the purchaser.

4. The Log-book is headed, "Log-book of the Portuguese brigantine '*Arrogante*,' on her voyage from St. Jago to Havana by way of the Coast of Africa."

It begins on the 23rd of September, 1837. On the 7th of October the vessel is represented to have reached the Gallinas, and on the 14th of the same month to have left that river on her voyage to Havana. From this time until her capture on the 23rd of November, off the Island of Cuba, the log is continued regularly and, to all appearance, truly.

The "*Arrogante*" was carried by the captors to Montego Bay, Jamaica, where, on the 4th of December last, the survivors of the slaves found on board of her were landed, and a receipt given for them by the Collector of Customs. The necessity for disembarking the slaves at Jamaica is set forth in the prescribed form by Captain Milne, and appears to have been very urgent, as a large number of the slaves had died in the short interval between the 23rd of November, the date of capture, and the 4th of December, when the Collector took charge of the survivors.

From Montego Bay the prize was carried into Kingston Harbour. She thence proceeded to Sierra Leone, having on the voyage been obliged to put into Port au Prince for a short time, in consequence of some damage which she had received.

On the evening of Sunday the 25th ultimo the "*Arrogante*" arrived in this harbour, and her arrival was duly reported by the Marshal on that day; but it was not until the 27th ultimo that the case was brought into Court. The ship's papers were then received, verified by the affidavit of Robert Boyle Miller, Esquire, Second Lieutenant of Her Majesty's sloop "*Snake*," and in compliance with a petition to that effect, the declaration to the captor, and his certificate of the necessity for disembarking the slaves, were received; the usual Monition citing all parties interested in the detained vessel was issued, and the evidence in preparatory was ordered to be taken. A receipt for the 332 slaves landed at Montego Bay, on the 4th of December, was then produced by Lieutenant Miller, and filed; and an affidavit of that officer was taken, to prove that 75 other slaves had died before the landing could be effected.

On the 1st instant, the Master and cabin-boy of the detained vessel were examined on the standing interrogatories, and all that is material in their depositions is comprised in the annexed abstract of evidence.

Publication of the evidence was prayed for on the 2nd instant, and the trial was fixed to take place on the 6th instant; on which day the Monition, issued on the 27th ultimo, was returned into the Registry, with the certificate of the Marshal that it had been duly served.

When the Court met, the exhibits filed in the case were read; and they so clearly established the charge of illegal slave-trading against the detained vessel, and so fully justified her seizure by Her Majesty's sloop "*Snake*," Alexander Milne, Esq., commanding, that a sentence was immediately pronounced, by which the Portuguese brigantine "*Arrogante*," Augusto César Medina, Master, was condemned as good and lawful prize to the Crowns of Great Britain and Portugal; and the survivors of the 332 slaves landed at Jamaica were emancipated from slavery. It was further decreed to have been proved, that 407 slaves were on board the "*Arrogante*" at the time of her capture, and that 75 of the said slaves died before they could arrive at Montego Bay, where their surviving companions were landed.

The Bill of Sale shows that the "*Arrogante*," before she changed her national character at the Cape de Verde Islands, was the Spanish brigantine "*Urraca*," whose name appears frequently in the lists of the Havana Commissioners. The "*Urraca*" left Havana on the 3rd February, and returned on the 10th November, 1834, under the command of Gumesindo Loureiro. She again sailed from Havana on the 19th January, 1835, under the command of Francisco de los Reyes, and returned on the 28th March, 1836. She left Havana, for the last time as a Spanish vessel, on the 14th October, 1836, and was sold on the 3rd December following, at the Cape de Verde Islands, by Bartholomew Cavalleiro, who apparently went out in her from Havana as Master.

We are of opinion that the sale of the "*Urraca*" at St. Jago was altogether fictitious, as Bartholomew Cavalleiro, the seller, and the former Captain of the vessel whilst under the Spanish flag, appears in the official Muster-roll of the crew employed to navigate the vessel under the Portuguese flag, as Pilot and first officer, under the new Portuguese Master, Medina.

The Bill of Sale plainly discovers the interest which the Colonial Governments of Portugal have, in conniving at the fictitious transfer of Spanish property to Portuguese subjects, it being necessary to the validity of the deed of transfer, that it should contain a receipt from an Officer of the Custom-house for the duty of 15 per cent. on the nominal amount of the purchase-money.

The Notary at Villa da Praya, by whom the Bill of Sale was drawn, declares his knowledge of the persons, and respectability of the seller, the purchaser, and the witnesses to the execution of the deed; and as the Master, Medina, in his evidence, has deposed that the Purchaser and Owner of the vessel, Antonio Dionizio Furtado, was also the sole Owner of the slaves, and is a merchant, residing with his wife and family on the Island of St. Jago, no difficulty could be experienced, we should suppose, in this instance, in enforcing the conditions of the violated bond into which Furtado entered on the 24th January, 1837 (as appears by the endorsement on the Passport already noticed), and in carrying into effect the punishment awarded to such guilty practices by the 1st Section of the 19th Article, and by the 20th Article of the Decree issued at Lisbon on the 10th December, 1836, for the abolition of the Slave Trade throughout the Portuguese dominions.

It will be observed that the "*Arrogante*" cleared out from St. Jago in January, 1837, and proceeded to Cadiz to be repaired. The vessel's Passport is visaed by the Portuguese Consul-General at Cadiz, on the 29th March, 1837; but, from this date until the 7th September, when the "*Arrogante*" again cleared out from St. Jago for Havana, nothing whatever is known of her proceedings. We have no doubt that a successful slaving trip was made in the intervening period of five months and nine days: more especially as, during the last voyage, the "*Arrogante*" was captured by Her Majesty's sloop "*Snake*" off Cuba, in little more than two months after clearing out from the Cape de Verde Islands; and, after being carried into Montego Bay to land her slaves, and calling at Kingston and Port-au-Prince, a sentence of condemnation was pronounced upon her at Sierra Leone, within six months of her leaving the Cape de Verdes. The rapidity, indeed, of this vessel's movements, is one of the most extraordinary circumstances of the case. At the Gallinas, her cargo of slaves must have been prepared for her; and her slaving equipment, wood, water, and provisions, must all have been embarked before her departure from Porto Praya on the 23rd September. On the 7th October, according to the log, the vessel anchored in the Gallinas; and on the 14th of the same month, she left that river again on her voyage to Havana, with a full cargo of slaves. Nothing can more convincingly prove the increased activity with which the Slave Trade is carried on in the immediate neighbourhood of this Colony, than the fact that nearly 500 slaves were shipped on board the "*Arrogante*" in the space of six days.

When the Court had pronounced the sentence of condemnation on the "*Arrogante*" above referred to, Mr. Proctor Dougan, who appeared for the captor, instead of making the usual motion that the Court would permit a Commission to issue for the appraisement and sale of the condemned vessel, moved the Court, in accordance with his instructions, to permit the Prize Master, Lieutenant Robert Boyle Miller, to carry over the vessel to the West Indies for sale. The Proctor represented the inconvenience which would be sustained by Her Majesty's sloop "*Snake*" from the long absence of Lieutenant Miller and the seamen who formed his prize crew, if they should be obliged to return to England for a passage to the West Indies.

It was further urged on behalf of the captors, that Lieutenant Miller was empowered by Commander Milne to give a guarantee to make good the amount at which the vessel might be appraised at this place, in case the vessel should fail to realise her appraised value when sold in the West Indies.

On these grounds it was moved that the "*Arrogante*" might be appraised; that a guarantee for the amount of her appraisement might be accepted; and that a Commission might issue for the sale of the vessel in the West Indies.

To this application the Court, felt bound to refuse its assent. We considered it contrary to the spirit and intention of the Treaty for the Court, to delegate to any other authority the carrying into full effect its own decrees, whenever it is in its power to do so itself, or to accept of any private security, however good it might be, for the probable proceeds of the sale of condemned property, in lieu of the actual and immediate realisation of those proceeds under its own superintendence.

It would, besides, be impossible in any way to estimate the extent to which the property, thus voluntarily removed for our cognizance, might be depreciated by accident, loss, or even by the regular wear and tear of another voyage across the Atlantic, before it could be exposed to sale. Nor does the Court possess any power to enforce the fulfilment of any engagement or guarantee given on the part of Captain Milne, should the condemned vessel be lost on her passage to the West Indies, or in the

event of Captain Milne's death, or his unwillingness to confirm the undertaking of his officer. How in such a case, is Portugal to be satisfied for the loss which she would sustain?

If it had been a matter of urgent necessity that this vessel should return to the West Indies with Lieutenant Miller, and the prize-crew from Her Majesty's sloop "Snake," there was nothing to prevent Lieutenant Miller from making use of the authority which he had received from Captain Milne, and purchasing the vessel at public auction when exposed to sale a few days hence; and then employing her to convey himself and prize-crew to the West Indies.

The Commissioner of Appraisement and Sale attached to the Courts at Sierra Leone has given bond to a very large amount (himself in 2000*l.* and two sureties in 1000*l.* each) that he will honestly and faithfully discharge the duties of his situation. The remuneration which this officer receives for his services consists entirely of commissions on the sale of condemned property, and it would be manifestly unfair, without some obvious necessity, to deprive him of his commissions on the disposal of this vessel and her stores.

The Government of Portugal is of course equally interested with that of Great Britain in realizing the proceeds of the "*Arrogante's*" sale; and when we considered the risk that always must, to a certain degree, accompany the entrusting such delicate duties to unknown and wholly irresponsible persons in a distant Colony, the extreme difficulty, and almost impossibility, of getting account sales prepared, and the proceeds remitted, in the prescribed form, and the delay which must necessarily take place before the Account Sales would be finally closed, we thought that a sufficient case had not been made out to justify us in acceding to the application of the captor's Proctor, that the detained vessel should be allowed to return to the West Indies before being disposed of at public auction.

A decision conveying these opinions was accordingly given.

(Signed)

H. W. MACAULAY.
R. DOHERTY.

Sierra Leone, March 8, 1838.

Second Enclosure in No. 28.

Abstract of the Evidence in the case of the Portuguese Brigantine "Arroganté."—Augusto César Medina, Master.

Captor's Declaration.

I, ALEXANDER MILNE, Commander of Her Britannic Majesty's sloop "Snake," hereby declare that, on this 23rd day of November, 1837, being in or about latitude 21° 27' N., longitude 84° 53' W., I detained the brigantine named the "*Arrogante*," sailing under Portuguese colours, armed with one long brass 12-pounder gun, commanded by Augustio César Medina, who declared her to be bound from the Rio Gallinas, Coast of Africa, to Havana, with a crew of 35 men, one boy, no supercargo, 7 passengers, whose names, as declared by them respectively, are inserted in a list at foot hereof, and having on board 406 slaves, said to have been taken on board at the Rio Gallinas, on the 12th day of October last, and are enumerated as follows:—

	Healthy.	Sickly.
Men	101 About 40 or 50.
Women	57	
Boys	144	
Girls	104	

I do further declare that the said brigantine appeared to be sea worthy, and was supplied with a sufficient stock of water and provisions for the support of the said negroes and crew, on their destined voyage to Havana.

I do further declare that, on inspection, I found the said vessel to be most complete in every way, being well found in rigging, sails, &c., apparently a new vessel, and the slaves apparently healthy, and well attended to.

(Signed)

ALEXANDER MILNE, *Commander Her Majesty's sloop, "Snake."*

(Signed)

HENRY MAPLETON, *Master,*
JAMES BANKIER, *M.D. Surgeon,* } *Her Majesty's sloop, "Snake."*

Extract from the Captor's Certificate of the necessity for disembarking the slaves.

I do further declare that, finding it necessary to disembark the whole of the slaves before the vessel could arrive at Sierra Leone, to which place it was my intention to send her for adjudication, on account of the extreme length of the voyage, the debility of the slaves, and the want of provisions; I did, on the 4th day of December, 1837, disembark 332 of the slaves at Montego Bay, Island of Jamaica, where they remained.

(Signed)

ALEXANDER MILNE, *Commander of Her Majesty's sloop "Snake."*

(Signed)

R. B. MILLER, *Lieutenant,* { *of Her Majesty's sloop "Snake," in the*
W. L. MACDONALD, *Mate,* { *charge of the "Arrogante," slave brigantine.*

Examination on the standing Interrogatories.

Augusto César Medina, the master of the detained vessel, being produced, sworn, and examined on the standing interrogatories, deposed, that he was born in Madeira, and has resided at St. Jago, Cape de Verdes, for the last 10 years; that he has never served any state but Portugal; that he is not married; that he was appointed to the command of the detained vessel, and possession of her was given to him, at Cape de Verdes, in January, 1837, by Antonio Dionizio Furtado, a resident of St. Jago, and a Portuguese subject; that he first saw the vessel there and then, and believes she is North American built; that he was present when the vessel was captured for having slaves on board; that he sailed under Portuguese colours, and had also an American ensign for a signal; that the detained vessel has always been called "*Arrogante*" since he has known her, but he has heard she was formerly called "*Urraca*;" that she is 150 tons burthen, and had about 28 officers and mariners, exclusive of witness, part of whom were Portuguese, and part Spaniards, but all hired and shipped.

by witness at Cape de Verdes in January, 1837; that neither he, nor any of the officers or mariners had any interest in either the vessel or the cargo; that he was master on board; that there were 7 passengers, consisting of Spanish and Portuguese seamen, who were embarked at Gallinas in October last, for a passage to Havana, whither they were going to seek for employment, that none of them had any authority on board, or any interest in either vessel or cargo; that the present voyage commenced at Cape de Verdes, and was to have ended at Havana; that from St. Jago, which was the last clearing port, the detained vessel proceeded to the Gallinas, where she arrived on the 10th of October, and remained there about 5 days, during which time she shipped her slaves; that the capturing vessel was first seen off Cape St. Antonio in the Island of Cuba on the 23rd of November last, and capture took place the same day, after a chase of about three hours; that the detained vessel was steering for Havana at the time, and made every endeavour to escape, but it was a calm; that there is 1 gun mounted, 10 muskets, a few cutlasses, and a small quantity of ammunition for the defence of the vessel; that no resistance was made to capture, nor were there any instructions to resist, or to conceal or destroy any of the vessel's papers; that the sole owner of the vessel is Antonio Dionizio Furtado, a Native and Merchant of Cape de Verdes, where he has always resided with his wife and family; that there is a Bill of Sale for the vessel, which is amongst the papers; that he cannot say whether the price was paid at the time of purchase; that he believes the vessel was sold for a fair equivalent, that the sale was a true one, and that the vessel, if restored, will belong to the said Furtado, and to no other person; that the said Furtado is also sole owner of the cargo; that the lader of the slaves at Gallinas, and the consignee there, was Francisco Gracia, a Portuguese trader at that place; that the slaves were to have been landed at Havana, for account and risk of the said Furtado, and, if restored, will belong to him only; that he believes so from having always heard and understood that Furtado was the sole owner; that the former voyage of the vessel was from Cape de Verdes to Cadiz in ballast, for the purpose of being repaired; that no cargo was shipped on her return to Cape de Verdes; that the cargo on the present voyage was slaves, of whom 478 were embarked, but he does not recollect their descriptions; that 67 slaves died before capture, and a great number since, but he does not know how many; that after capture the vessel was taken to Montego Bay, Jamaica, and thence to Kingston; that afterwards, on her passage hither, she sprung a leak, and was taken in Port au Prince, and thence came to Sierra Leone; that the slaves were disembarked in the Island of Jamaica by the captors.

Sierra Leone, March 8, 1838.

No. 29.

Her Majesty's Commissioners to Viscount Palmerston.—(Received June 21.)

MY LORD,

Sierra Leone, March 8, 1838.

Enclosed we have the honour to transmit to your Lordship our Report and Abstract of Evidence in the case of the Portuguese schooner "*Isabelita*," Antonio Jozé de Assumpção, Master, captured by Her Majesty's Ship "*Sappho*," Thomas Fraser, Esq., commanding, off Cape Tiburon, in the island of St. Domingo, on the 5th of December last, with 163 slaves on board.

The "*Isabelita*" was surveyed in the West Indies by a numerous board of officers, who declared her unfit to make the voyage to Sierra Leone. The vessel and stores were accordingly given in charge of the officer commanding the coal-depôt ship "*Galatea*," at Jamaica; and the slaves were handed over to the Collector of Customs at Kingston.

A prize-master from Her Majesty's Ship "*Sappho*," with two witnesses from the crew of the detained vessel, were then despatched to this place on board the Portuguese brigantine "*Arrogante*," which had been detained by Her Majesty's Sloop "*Snake*," and the case of which vessel we have had the honour to report to your Lordship under this date.

The "*Isabelita*" was brought before the British and Portuguese Court on the 27th ultimo, and on the 6th instant she was declared a good and lawful prize; and the survivors of the 159 slaves landed on the island of Jamaica on the 12th of December, 1837, were decreed to be emancipated.

We beg leave to request your Lordship's attention to the fact, that the ostensible owner of both the vessels which were adjudicated on the 6th instant, is Antonio Dionizio Furtado, a Portuguese merchant residing with his wife and family at Villa da Praia, St. Jago, in the Cape de Verde Islands.

In the present case there is no record on the face of the ship's passport, as there is in the case of the "*Arrogante*," that Furtado had given bond that the "*Isabelita*" should not be engaged in Slave Trade; but we presume that a bond of this nature has nevertheless been given; and at any rate, the violations of the late Portuguese decree, on the part of Furtado, are in several particulars so manifest, and he has so clearly subjected himself to the penal clauses of that decree, and to the penalties of his bond, that the Portuguese Government have now an opportunity of proving, whether they ever had an honest intention of carrying the decree into effect. Even in the letter written in his own hand, and found on board the "*Isabelita*" at the time of her capture, Furtado gives directions to the supercargo

of his vessel with regard to his trading for palm oil *on the Coast of Africa*, at the same time that he clears his vessel out for the port of Maranham direct. It may be very true, that this letter is not a *bonâ-fide* letter of instructions, but only intended to mislead; and that Furtado himself is only the nominal owner of vessels which have violated their passports, and engaged in prohibited traffic; but he cannot now free himself from the liabilities which he has incurred in the character which he has fraudulently assumed. Although, however, Portugal should be constrained, by the remonstrances of Her Majesty's Government, to carry her own decree into effect in some individual instances, our experience of the Portuguese authorities on this coast convinces us, that, so long as they can collect the enormous duty of 15 per cent. on the amount for which foreign vessels are fictitiously transferred to Portuguese owners, every encouragement will be given to the purchase of the protection so disgracefully afforded by the Portuguese flag to the slave-dealers of all nations

So far as we are able to form a conclusive opinion from the contradictory evidence of two perjured witnesses, and from the log-book and papers of the vessel, we consider that the real owner of the "*Isabelita*" was Pedro Posadillo, a Spaniard, who was on board the vessel as passenger and supercargo; that the slaving voyage in which the "*Isabelita*" was detained, was the second made subsequently to her clearing out at the Cape Verd Islands; that her first cargo of slaves was shipped in the river Sherbro in May, and her second in the river Gallinas in October of last year; that she succeeded in safely landing her first cargo on the coast of Brazil, and that the second cargo was destined for Cuba, off which island she was happily captured before her guilty intention was accomplished.

In another Despatch of this date we have noticed the increasing activity of the Slave Trade in this neighbourhood. In confirmation of this opinion, we may remark, that the two cargoes of slaves shipped by the "*Isabelita*," in the space of about five months, were drawn from the Sherbro' and Gallinas.

We have, &c.

(Signed)

H. W. MACAULAY.
R. DOHERTY.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

First Enclosure in No. 29.

Report of the Case of the Portuguese Schooner "Isabelita," Antonio Jozé de Assumpção, Master.

THE ship's papers, found on board this vessel at the time of her capture, are as follows:—

1. A Notarial copy of a Bill of Sale, drawn up by Antonio Jozé de Silva Macedo, a Notary Public. This document certifies that the American schooner "*Bee*" was sold on the 11th April, 1837, by the Master of her, James Ireland, to Antonio Dionizio Furtado, at Villa da Praya, in the Island of St. Jago, in the Cape de Verdes. In the body of the paper is, as usual, inserted the copy of a receipt dated the previous day, from Jozé de Silva Pereira, Providor, stating that the duty of 15 per cent. on the amount of the purchase money had been paid by the purchaser. The witnesses to the execution of the transfer are Francesco Alberto de Azwedo and Jozé Xavier Crato.

2. A Passaport from Joaquim Pereira Marinho, Governor General of the Province of Cape Verde and the coast of Guinea, dated at Villada Praya, St. Jago, on the 14th April, 1837, authorises the Portuguese schooner "*Isabelita*," owned by Antonia Dionizio Furtado, and commanded by Antonio Jozé de Assumpção, to proceed to the city of Maranham.

3. A Muster-roll in the usual form and of the same date as the Passaport.

4. Is an original paper, of which the following is a copy:—"This is to certify that the Bill of Sale and Power of Attorney of the American schooner "*Bee*," James Ireland, Master, is in my possession at this Vice Consulate.

"Given under my hand and seal of office, this 18th day of April, 1837, at Villa da Praia St. Jago, Cape de Verdes.

"(Signed) JOZE J. LUIS, Vice Consul, U. S."

✓ The purpose for which such a certificate was given by the American Vice Consul seven days after the "*Bee*" had become a Portuguese vessel, and four days after she had obtained a Portuguese passport, is not very apparent.

5. A letter to the supercargo of the vessel from the owner, Antonio Dionizio Furtado. It is addressed to Señor Pedro Possadillo, on board the Portuguese schooner "*Isabelita*," bound to Maranham, and dated Cape de Verde, City of Praia, 16th April, 1837. The letter is evidently written with the object of misleading any person into whose hands it might fall. The following is an extract:—

"Enclosed is an Invoice of different articles which I have placed on board my schooner "*Isabelita*," whereof Señor Antonio Jozé de Assumpção is Captain, and which I have consigned to you, hoping you will be able to make a good market at the city of Maranham, whither my schooner is bound, with you as a passenger on board of her. From the proceeds of the goods you will load her on my account with a cargo of rice, and consign her to Señor Guilherme Gram of Lisbon, and the remainder of the proceeds

of the cargo you will remit to me, in good Bills of Exchange on this city, giving me due notice of the same.

Some of the articles on board my schooner are well adapted for the African trade, for which they are intended. Keep me acquainted with your speculations in Africa, and with the prices that you pay there. On board the same vessel are 20 pipes in staves for the purpose of holding palm oil, also a caldron to boil the oil in Africa."

It is pretended in the first part of this letter that the goods on board the "*Isabelita*" were destined for sale at Maranham, for which place alone the vessel had cleared out; but the reference to the palm oil and African trade in the latter part of the letter is at variance with such a statement. The palm oil casks, and large caldron, are of course the water casks and boiler for slaves.

6. The Log-Book commences on the 20th April, 1837. The "*Isabelita*" is represented to have left Porto Praira on that day, and to have come to anchor in the Sherbro River on Sunday the 30th April. The next entry in the Log is on the 18th of October last, when the "*Isabelita*" left the river Gallinas bound to Cuba, and is continued until the 5th December, on which day the vessel was detained off Cape Tiburon, in the Island of St. Domingo, by Her Majesty's sloop "*Sappho*," Thomas Fraser, Esq., Commander.

After capture, the "*Isabelita*" was carried by the "*Sappho*" to Kingston, Jamaica, where her slaves were disembarked on the 12th December, on account of the unseaworthy condition of the vessel. An officer from the "*Sappho*," and two of the "*Isabelita*'s" crew as witnesses, were subsequently put on board the Portuguese brigantine "*Arrogante*," captured by Her Majesty's ship "*Snake*," for a passage to Sierra Leone; and they arrived here on board that vessel on the evening of Sunday the 25th ultimo.

The prosecutor of the "*Isabelita*" commenced on the 27th ultimo, on which day the ship's papers, together with the captor's declaration, and certificate of the necessity for disembarking the slaves, were received and filed; the usual Monition was issued; and the captor's witnesses were ordered to attend at the registry.

The Prize-Master, Mr. Taplin, Mate of Her Majesty's ship "*Sappho*," having verified on oath the facts stated in the two declarations of the captor, and authenticated the ship's papers, produced the Report of the Surveyors appointed to examine the condition of the prize, and the receipt of the Collector of Customs at the Port of Kingston, Jamaica, for the slaves landed at that place.

The Report of Survey is dated in Port Royal Harbour, on the 9th December, 1837, and is signed by a Lieutenant, the Master, and the Carpenter of Her Majesty's ship "*Magnificent*;" by the Master and Carpenter of Her Majesty's ship "*Sappho*;" and by the Carpenter of Her Majesty's ship "*Madagascar*." It describes particularly the various injuries which the "*Isabelita*" had received, and declares her total unfitness to attempt a voyage to Sierra Leone. An exact inventory was then made of all the stores, sails, &c., on board the "*Isabelita*," and a receipt taken for the same from the Boatswain of Her Majesty's coal depôt ship "*Galatea*," in whose charge the detained vessel and stores were placed, to await the adjudication of the Court.

The receipt of Mr. Swainson, the Collector of Customs at Kingston, states, that 99 male and 60 female slaves were delivered into his custody from the "*Isabelita*" on the 12th December, 1837; and the affidavit of the Prize-Master shews, that one other female slave had died three days previously.

The witnesses produced by the captor for examination on the standing interrogatories were the Boatswain and supercargo of the detained vessel; and an affidavit of Mr. Taplin was filed to prove that the cause of the non-production of the Master and Mate of the "*Isabelita*," was the death of the former in the Royal Naval Hospital at Jamaica, on the 20th December, 1837, and the extreme illness of the latter. Certificates to this effect from the Surgeons who attended the persons referred to were annexed to Mr. Taplin's affidavit. An abstract of the evidence given by the witnesses in the case accompanies this Report. Publication of the evidence was granted on the 2nd instant; and the 6th instant was fixed upon for the trial, that being the day on which the Monition, issued on the 27th, was returnable by the Marshal.

Notwithstanding the manifest perjury of both the witnesses examined on the standing interrogatories, and their direct contradictions of each other's testimony, no attempt was made by either to deny, as indeed it would have been useless to do, the illegal employment of the "*Isabelita*" in Slave Trade at the time of her capture. A sentence of condemnation was accordingly pronounced on the vessel; and the survivors of the slaves landed at Kingston, Jamaica, were decreed to be emancipated. It was further declared that 160 slaves were on board the "*Isabelita*" when she was captured by Her Majesty's ship "*Sappho*," of whom one died previous to the arrival of the detained vessel at Jamaica.

It will be observed that the witness, Pedro Posadillo, is the same person whom the owner (in Paper No. 5.) addresses as the Consignee of the "*Isabelita*," bound to Maranham, and yet both this man and Vicente Morales, the Boatswain, agree in declaring that he was merely a passenger, without any authority on board, and without any interest in the vessel or cargo. In almost every other respect the witnesses contradict each other. The Boatswain swears that Posadillo, the Supercargo, (for such we consider him to have been,) embarked at the Cape de Verdes in April, 1837, for a passage to Cuba. Posadillo, on the contrary, swears that he embarked at that time for a passage to Maranham, to visit a relation there. The Boatswain swears that, after leaving the Cape de Verdes, the "*Isabelita*" touched first at the river Gallinas, and left the Captain there, and then traded for rice on the coast as far as Cape Palmas; and, returning after some time to the Gallinas, re-embarked the Captain, shipped her slaves, and prosecuted her voyage to Cuba. Posadillo, on the contrary, swears that the "*Isabelita*" went direct from the Cape de Verdes to the river Amazon in Brazil; that from that place he again embarked on board the same vessel for a passage to Cuba (his place of residence), *via the coast of Africa*; that from the Rio Amazon the "*Isabelita*" went direct to Gallinas, and there took on board the cargo of slaves with which she was captured off the island of Cuba.

Such barefaced perjury as was evidently committed by both of these witnesses, without any apparent object, is only another proof, if any were wanting, of the utter disregard of the solemnity of an oath, which is the universal characteristic of those who are engaged in the same brutalizing traffic.

From the Log-Book and the other papers we form the following conclusions:—That Pedro Posadillo, a Spaniard, resident at Havana, was the real owner of the "*Isabelita*;" that the reason of this person being addressed as Consignee and Supercargo by Furtado, the ostensible Portuguese owner, and being described by himself and his fellow-witness as only a passenger, was to conceal his ownership of the detained vessel; that the "*Isabelita*" arrived in the river Sherbro from the Cape de Verde Islands

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on the 30th of April, 1837; that between that date and the 18th of October following, she made a slaving voyage to the coast of Brazil, and returned to the river Gallinas for another cargo of slaves for the Cuba market.

Sierra Leone, March 8th, 1838.

(Signed)

H. W. MACAULAY.
R. DOHERTY.

Second Enclosure in No. 29.

Abstract of evidence in the case of the Portuguese Schooner "Isabelita," Antonio Jozé de Assumpção Master.

Captor's Declaration.

I, Thomas Fraser Esquire, Commander of Her Britannic Majesty's ship "Sappho," hereby certify, that on this 5th day of December 1837, being in or about latitude 18° 19' N. longitude 70° 33' 52" W. I detained the Schooner named "*Isabelita*," sailing under Portuguese colours, armed with no guns, commanded by Antonio Jozé de Assumpção, who declared her to be bound from Gallinas to Cuba, with a crew consisting of 18 men (including the Captain) no boys, no supercargo, one passenger, whose names, as declared by them respectively, are inserted in a list at foot hereof, and having on board 160 slaves, said to have been taken on board at Gallinas on the 28th day of October 1837, and are enumerated as follows:—

	Healthy.	Sickly.
Men	7	„
Women	2	„
Boys	86	6
Girls	55	4

I do further declare that the said schooner appeared not to be seaworthy, and was supplied with a sufficient stock of water and provisions for the support of the said negroes and crew of their destined voyage to Cuba.

(Signed)

THOMAS FRASER, Commander.
SAMUEL LARK, Master.
MITCHEL THOMPSON, Surgeon of H. M. S. "*Sappho*."

Extract from the Captor's Certificate of the necessity for disembarking the slaves.

I do further declare that, finding it necessary to disembark the said slaves before the vessel could arrive at Sierra Leone, to which place it was my intention to send her for adjudication, on account of the vessel being unseaworthy, I did, on the 12th day of December 1837, disembark 159 of the said slaves, at Kingston, Jamaica, one of the number on board at the time of detention, having died in the interim.

(Signed)

THOMAS FRASER, Commander.
THOMAS M. TAPLIN, Mate in charge of Slave Schooner "*Isabelita*."

Examinations on the standing Interrogatories.

Vicente Morales, Boatswain of the detained vessel, being produced, sworn, and examined on the standing interrogatories, deposed that the name of the master was Antonio de Assumpção; that the said master died at Jamaica a short time after capture, and witness believes that he had been a native and resident of the Cape Verdes; that he does not know who appointed the deceased master to the command, or gave him possession, of the detained vessel; that he believes the master received the same at the Cape Verdes, but does not know at what time; that he first saw the detained vessel at the Cape Verdes about a year since, but does not know where she was built; that he was present when the vessel was captured with slaves on board; that she had no colours but Portuguese; that the vessel had no name to his knowledge but "*Isabelita*;" that she was 36 tons burthen, and had a crew of 14 officers and mariners, exclusive of the master, all Portuguese, and hired and shipped by the said master at St. Jago, Cape Verdes, about a year since; that neither he nor any other of the officers and mariners, to his knowledge, had any interest in either the vessel or cargo; that he was boatswain on board; that there was one passenger Pedro Posadillo, a Spanish subject, who embarked at Cape Verdes, about 10 months ago, for a passage to Cuba; that he does not know the profession or trade of the said Posadillo, and cannot tell what his business at Cuba might have been; that the said passenger had no authority on board, and no interest, to witness's knowledge, in vessel or cargo; that the present voyage commenced at Cape Verdes, and was to have ended at the Island of Cuba; that St. Jago was the last clearing port, after leaving which the vessel touched first at Gallinas, where the master remained on shore, and she then proceeded along the Coast, trading for the rice, and as far as Cape Palmas; that she then returned to the Gallinas, where she re-embarked the master, and shipped her slaves; that the capturing vessel was first seen at day-break to the southward, and in sight of St. Domingo, and capture took place about an hour afterwards; that the detained vessel was steering for the Island of Cuba at the time; that no resistance was made to capture; that he is ignorant who is the owner of the vessel, and knows nothing of any Bill of Sale, or of the price of the vessel, or to whom she would belong, if restored; that he knows nothing of the owner or consignee of the cargo of slaves, or to whom the slaves would belong if restored; that the slaves were shipped by the master, and were to have been landed, he believes, on the coast of Cuba; that he knows nothing of the former voyage; that the cargo shipped at the Cape Verdes on the present voyage consisted of tobacco and rum; that subsequently 186 slaves were shipped; that he does not recollect their descriptions; that three died before capture and one afterwards; that the vessel was taken to Jamaica after capture; that after leaving the Cape Verdes, bulk was first broken at Grand Bassa, and the whole of the cargo, which was very trifling, was disposed of along the coast in barter for rice; that the slaves were landed at Jamaica by the captors.

Pedro Posadillo, passenger on board the detained vessel, being produced, sworn, and examined on the standing interrogatories, confirmed in some respects the statements of the last witness, and in other

respects contradicted them. He deposed that he embarked on board the detained vessel, about eight months ago, for a passage to Brazil, and again, at the Rio Amazon, in the same vessel for Cuba, *via* the Coast of Africa; that his business in Brazil was to visit a relation, and his reason for taking so circuitous a rout to Cuba, (his place of residence) was, that no other opportunity presented itself; that he cannot say when the present voyage commenced, or what was the last clearing port; that he was sick the greater part of the time he was on board, and cannot say at what ports the vessel touched, after he embarked in her at the Rio Amazon; that he knows the vessel went thence to the Gallinas, and did not touch at the Cape Verdes; that he cannot say when he embarked at the Rio Amazon, but the vessel arrived at Gallinas, and shipped her slaves in November last.

Sierra Leone, March 8th, 1838.

No. 30.

Her Majesty's Commissioners to Viscount Palmerston.—(Received July 10.)

MY LORD,

Sierra Leone, April 7, 1838.

WE have the honour to enclose our Report of the case of the Portuguese schooner "*Ingemane*," Antonio Joaquim da Faria, Master, together with an Abstract of the papers found on board that vessel at the time of her capture; an Abstract of the Evidence given by the witnesses; and a Copy of the Judgment pronounced by the Court on the 3rd instant.

The "*Ingemane*" cleared out from Havana as the Spanish schooner "*Lince*" Angel Jimenes, Master, on the 21st February, 1837, and arrived at St. Jago, in the Cape Verd Islands, on the 30th March. From this time until the 23rd June, nothing is known of her proceedings; but on the latter date she cleared out from St. Jago as the Portuguese schooner "*Ingemane*," owned and commanded by subjects of Portugal, and bound to Pernambuco. From St. Jago the vessel sailed direct to the Rio Nunez, where she remained about a month, and having in that period collected and shipped a cargo of slaves, she again sailed for Havana, and was captured off the coast of Cuba, on the 12th September, by Her Majesty's Sloop "*Comus*," the Honourable Plantagenet Pierrepont Carey, Captain, with 82 slaves on board.

At Havana the "*Ingemane*" was surveyed, and reported to be unfit to make the voyage to Sierra Leone. She was then taken in tow by Her Majesty's Sloop "*Comus*," Captain Carey intending to leave both vessel and slaves in charge of the authorities at Nassau in New Providence.

On the same day that the "*Ingemane*" left Havana for Nassau, Mr. Francis Freeling, Mate of the "*Comus*," with the papers of the prize and two of the detained crew as witnesses, left Havana for England, and eventually arrived in this Colony on board Her Majesty's Ship "*Lynx*" on the 18th ultimo.

The prosecution of the vessel was commenced on the 20th ultimo, and the evidence of the witnesses left no doubt as to the illegal employment of the detained vessel in Slave Trade at the time of her capture. We felt a difficulty nevertheless in proceeding to the final adjudication of the case. All the witnesses having left Havana for England on the same day that the "*Ingemane*" and her slaves left the same place for New Providence, there was no evidence to prove that the detained vessel ever arrived at her destination. If, therefore, we had decreed the condemnation of the vessel and the emancipation of her slaves, we might have been pronouncing a sentence, and giving rise to claims on Her Majesty's Government, with respect to property and persons no longer in existence. The course which we adopted under these circumstances was to decree that, at the time of capture, the "*Ingemane*" was subject and liable to condemnation, and that she had on board 82 slaves, who were in like manner subject and liable to emancipation. The final decree, which will entitle the captors to the pecuniary benefits of their capture, will be withheld, until some documentary or other proof is afforded to the Court, at what place, and under whose care, the vessel and the slaves may have been placed, and what may be the number of the surviving slaves.

The sentence thus pronounced, though partial and incomplete, is strictly in accordance with precedent; and will have the effect of freeing the prize-master and witnesses from further attendance, of barring any claim on the part of the owners of the detained vessel, and of preventing the reclamations of the Portuguese Government, on the ground that the Treaty requires every case brought before the Court to be disposed of within a limited period. It will also have the effect, we trust, of inducing a greater degree of attention to the instructions issued for the guidance of naval officers employed in the suppression of the Slave Trade. The irregularities of which we have in the present instance to complain are, the absence

of the captor's declaration, of the Report of Survey held on the vessel at Havana, and of any receipt for the vessel or her slaves.

We beg leave to call your Lordship's notice to the circumstances attending the fictitious transfer of the "*Ingemane*" to a nominal Portuguese owner; also to the mode adopted for preventing the insertion of this person's name in the official papers causing any loss or inconvenience to the real Spanish proprietor.

We have lately had frequent occasion to remark on the increased activity of the Slave Trade in the immediate vicinity of Sierra Leone. The shipment of the "*Ingemane's*" slaves in the Rio Nunez is a fresh confirmation of the truth of this remark.

It will be observed from the evidence that, whilst the detained vessel cleared out from Havana under the name of "*Lince*," and assumed the name of "*Ingemane*" at the Cape Verd Islands, both of the witnesses produced agree in deposing "that the vessel is called "*Volante*," and that they never heard her called by any other name." Strange as this statement may appear, we are still far from thinking it improbable; for the facility with which sets of papers are bought, sold, and transferred, and the frequency with which the same vessel is accustomed to change her name, as well as the practice, which we believe extensively prevails at the present moment, of carrying both Spanish and Portuguese papers, and adopting either the Portuguese or Spanish name, as occasion may require, render it very likely that a vessel may be known by the crew under one name, and be spoken of by the owner under another; and that the former may designedly be kept in ignorance of the various changes effected by the latter in the title and character of the vessel, which they are employed merely to navigate.

We have, &c.

(Signed)

H. W. MACAULAY.
ROBERT RANKIN.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

First Enclosure in No. 30.

Report of the case of the Portuguese Schooner "Ingemane," Antonio Joaquim de Faria, Master.

On the 21st of February, 1837, this vessel cleared out from Havana as the Spanish Schooner "*Lince*," Angel Jimenes, Master, with a Royal Passport numbered 57; and two days afterwards she commenced her voyage to the Cape de Verde Islands, where she arrived on the 30th of the following month.

In an agreement between the Captain, Angel Jimenes, and the crew of the "*Lince*," dated at Havana on the day before the Royal Passport was obtained, the vessel is said to be Portuguese as well as Spanish; her object in going to the Cape de Verde Islands is declared to be to obtain a Portuguese flag; and those who signed the agreement bound themselves to remain on board and serve under either flag. From this and other circumstances it would seem to have been intended that the vessel should assume either a Spanish or Portuguese character, as circumstances might require.

Nearly three months elapsed between the arrival of the "*Lince*" at the Cape de Verde Islands, and her nominal sale and transfer to a Portuguese proprietor, but nothing has been discovered respecting her proceedings during that period.

A Bill of Sale having been executed at St. Jago on the 23rd June, 1837, the "*Lince*" became the Portuguese Schooner "*Ingemane*," and was transferred in due form to Timotio Cardo de Mello, the ostensible purchaser, by the real Spanish owner, Joao Mariano de Aldecor. In this case the true nature of the transaction is not left to conjecture; but the transfer is declared to be fictitious by the parties immediately concerned in it. Three days after the vessel under her new name had obtained a Passport as a Portuguese vessel, on the ground of her being owned by Mello, a Portuguese subject; Mello signed a formal declaration, in presence of two witnesses, stating that the Bill of Sale was counterfeit, and executed solely for the purpose of enabling a Spanish vessel to obtain Portuguese papers; that no money had been actually paid by him; and that he had no interest whatever in the vessel, the proprietor of which he was stated to be in all the official papers obtained at the Cape de Verde Islands. In order also to avoid any difficulty which might be experienced by the real Spanish owner in disposing of the vessel in consequence of Mello's name appearing in the Passport, a power of attorney was granted by the latter to the former, authorizing him to act as proprietor of the vessel in every respect, to regulate her movements, to sell her if necessary, and to grant a Bill of Sale to the purchaser. One of the witnesses to the execution of the Bill of Sale, Ignacio Carlos de Fonseca, appears also as a Witness to the execution of the Power of Attorney; and the names of the other persons concerned in the transaction have been so frequently mentioned in connexion with similar frauds, that it seems useless to continue to point them out to the Portuguese Authorities for the purpose of their being apprehended and punished.

On the same day that the Bill of Sale was executed, a Portuguese Passport was obtained by the purchaser, the "*Ingemane*" cleared out for Pernambuco, and Joao Mariano Aldecor, the Spanish owner, received a Passport from the Governor-General, authorizing him to proceed to Pernambuco as a passenger. It has evidently been the object of the Portuguese witnesses to conceal Aldecor's connection with the expedition. In opposition to the passport just mentioned, and to the Power of Attorney referred to above, the Master and Boatswain of the detained vessel deposed, that Aldecor (or

Mariano) embarked as a passenger at the Rio Nunez, not at Cape de Verde Islands; and that he had no authority on board, or interest in the vessel and cargo. It is however very probable that neither of the witnesses was aware of all the facts of the case, or even of the existence of those documents which throw light on the transaction.

After leaving the Cape de Verdes, the "*Ingemane*" went direct to the Rio Nunez, where she shipped a cargo of 85 slaves, and made sail for the Coast of Cuba, off which she was captured by Her Majesty's ship "*Comus*," the Honourable Plantagenet Pierrepont Carey, Captain, on the 12th September last, with 82 slaves on board, only 3 having died on the passage across. The captors immediately carried their prize into Havana, where she was surveyed by competent persons, and pronounced to be unfit to make a voyage to Sierra Leone. She was then taken in tow by the "*Comus*," with the intention of carrying her to Nassau, in New Providence, and landing her slaves there; but as the Prize-Master, Mr. Francis Freeling, and the Master and Boatswain of the detained vessel, who were selected as witnesses in the case, left Havana for England on the same day that the "*Comus*" and her prize left Havana for Nassau, nothing whatever is known respecting the "*Ingemane*" and her slaves after that time.

On the 20th ultimo the case of the "*Ingemane*" was brought before the British and Portuguese Court of Mixed Commission here, and on the same day the vessel's papers, duly authenticated by the affidavit of Mr. Freeling, the Prize-Master, were lodged in the Registry; a Monition was issued, summoning all interesting parties, and an order was given for the attendance of the witnesses.

In addition to the want of any evidence to show what had become of the detained vessel and her slaves, or if they ever reached their destination in New Providence, no declaration of the facts of seizure was made by the Captor, nor was any Surveyor's Report produced to establish the alleged unseaworthiness of the vessel. Following the example set in the case of the "*Arrogante Mayaguesana*" in the year 1834, and the "*Fabiana*" in 1823, the absence of the usual Declaration by the captor was not deemed a sufficient deviation from the Treaty to prevent our entering upon an examination of the case. A Declaration of the Prize-Master was substituted, as in the instances referred to, and will be found with the Abstract of the evidence which accompanies this Report. The want of a Surveyor's Report was also in some measure supplied by the evidence given by the Prize-Master as to the result of the survey.

The Monition issued on the 21st ultimo was returned into the Registry on the 28th, duly certified by the Marshal; but owing to the absence of His Excellency Colonel Richard Doherty, the Governor of the Colony, and Her Majesty's Commissioner of Arbitration *ad interim*, the petition for a day of adjudication was not answered until the 2nd instant, on which day a Despatch was received from Her Majesty's Secretary of State for Foreign Affairs, prescribing the course to be pursued in the absence of an Acting Commissioner from Freetown. His Honour, Chief Justice Rankin, was then immediately sworn in to perform the duties of Arbitrator, and the following day was fixed upon for the adjudication of the case.

When the Court met, the Proctor for the captors moved for the condemnation of the detained vessel, and the emancipation of the 82 slaves found on board of her at the time of capture. This motion was negatived by the Court, on the ground that there was no evidence whatever to prove the condition, or even the existence at the present moment, of the detained vessel and her miserable cargo; or whether she ever arrived at her destination in New Providence, and landed her slaves there. Slave dealing, however, had been positively established against the "*Ingemane*;" and it had been as satisfactorily shewn that 82 slaves were on board of her at the time of her detention. The Court therefore contented itself with decreeing that the "*Ingemane*" was subject and liable to condemnation, and that her slaves were subject and liable to emancipation; and withheld the *final* sentence, which would condemn the vessel as good and lawful prize to the crowns of Great Britain and Portugal, and which would emancipate the slaves, until the requisite evidence should be supplied. A copy of the judgment pronounced on the occasion accompanies this Report.

It is beyond doubt that, in this instance, the Portuguese flag covered Spanish property. The "*Ingemane*" might therefore have been prosecuted by the captor in the British and Spanish Mixed Court of Justice, instead of in the British and Portuguese Court of Mixed Commission. In either case the result to him would have been the same; but he preferred adopting that course which would not needlessly impose upon him the necessity of proving the perjury of his own witnesses. The condition of a vessel captured with slaves on board off the coast of Cuba was as certain under the Portuguese as under the Spanish flag; and the captor's object was in every way answered by assenting without hesitation to the pretensions of the "*Ingemane*" to be considered as a Portuguese vessel.

(Signed)

H. W. MACAULAY.
ROBERT RANKIN.

Sierra Leone, April 7, 1838.

Second Enclosure in No. 30.

Abstract of the Papers found on board the Portuguese schooner "Ingemane," Antonio Joaquim de Faria, Master, at the time of her capture.

PART of the papers found on board the "*Ingemane*" were obtained by her as a Spanish vessel named "*Lince*," in the early part of last year, when she cleared out from Havana for the Cape de Verde Islands; and part were subsequently obtained when she had assumed the Portuguese flag.

No. 1. The first document in point of time is an Agreement or Ship's Articles, signed at Havana on the 20th February, 1837, the day before the vessel cleared out as the Spanish schooner "*Lince*." It is entitled, "Contract and conditions agreed upon with the crew of the (Portuguese) Spanish schooner called '*Lince*,' Captain, Don Angel Jimenes." By the first Article the crew are bound to go a voyage for an indefinite period, and to such places as the Commander of the expedition may direct. The second and third Articles relate to the pay and allowances of the men. The fourth Article states that, in the event of capture or shipwreck, the men shall not be entitled to any wages. The fifth Article forbids any individual of the crew to leave the vessel at any port which she may touch at for the purposes of the expedition. The sixth Article binds the crew generally to good behaviour. The seventh and last Article sets forth, that it was intended that the vessel should change her flag at the Cape de Verde Islands, and that those of the crew who sign their names to the contract, and who have

received their wages to date, would not be entitled to any further advance at the Islands, as the circumstance referred to would not in any way interfere with the well being of the expedition.

Only five names are subscribed to this agreement, none of which appear in the Muster-roll of the crew, with which the vessel afterwards cleared out from the Cape de Verde Islands. At this place it is probable that other names were assumed by the subscribing parties. According to the Portuguese law (not, we are afraid, very strictly enforced), two-thirds of the crew of a Portuguese vessel must be subjects of Portugal; and this may account for so small a proportion of the crew shipped at Havana binding themselves to continue with the "*Lince*" after she should adopt the Portuguese flag at the Cape de Verde Islands; as the remainder of her complement would have to be shipped at that place, and would consist of Portuguese sailors.

No. 2. The only paper which has been produced, connected with the clearance of the vessel from Havana, is the official certificate, in the usual form, that a crew of 15 persons had been embarked on the 21st February, 1837. It will be seen hereafter that the Royal Passport, obtained on the same day, was left with the Spanish Consul at Porto Praia.

No. 3. The log-book states that, "on the 23rd February, 1837, the Spanish schooner '*Lince*' sailed from the port of Havana for the Cape de Verde Islands, on the coast of Africa," and that she arrived at Porto Praia, St. Jago, on the 30th of the following month.

Nos. 4 and 5. Two certificates, under the hand and seal of Joao da Silva Pereira, the Spanish Vice-Consul at the Cape de Verde Islands, describe the mutinous conduct of some of the crew of the schooner, against whom the Captain, Jimenes, had complained, and the measures which the Consul had taken to restore order. These certificates are both dated on the 8th April, 1837.

No. 6. A notarial copy of a Bill of Sale, drawn up by Antonio José da Silva Macedo, a Notary Public, in the usual form. It is dated at the City of Praia, in the Island of St. Jago, on the 23rd June, 1837, and sets forth that Don Joao Mariano de Aldecor has sold to Timotio Cardozo de Mello his Spanish schooner called "*Lince*," and that the Government duty of 15 per cent. on the purchase money had been paid to José da Silva Pereira, the Receiver-General of the Island. The witnesses to the execution of the deed are José da Nascimento Ventura, and Ignacio Carlos da Tonçeca. A declaration by the Notary is added, stating that since the Bill of Sale was drawn out, the purchaser had given his schooner the name of "*Ingemane*."

No. 7 is a general Passport for the Portuguese schooner "*Ingemane*;" and declares her to be of Dutch build, to be owned by Timotio Cardozo de Mello, commanded by Antonio Joaquim de Faria, navigated by a crew of whom two-thirds are Portuguese subjects, and bound to Pernambuco. It is granted by Joaquim Pereira Marinho, Governor-General of the Cape de Verde Islands, and is dated at Praia on the 23rd June, 1837.

No. 8. The official Muster-roll, dated at the same time and place as the last paper.

No. 9 is a Passport from the Governor-General of the Cape de Verde Islands, countersigned, by order of his Excellency, by the Secretary-General of the Government, and sealed with the Portuguese arms, authorising Don Joao Mariano Aldecor, a Spaniard, to proceed to Pernambuco on board the Portuguese schooner "*Ingemane*," of which Timotio Cardozo de Mello is owner.

Nos. 10 and 11 are such curious specimens of the mode of obviating the difficulties likely to arise to the real Spanish owners of vessels nominally Portuguese, by the appearance of the name of a Portuguese owner in the official papers, that we give a full translation of those documents.

Translation of No. 10.

I do declare that the deed, dated on the 23rd of the current month, drawn out by Antonio José da Silva Macedo, a Public Notary of this city, and purporting to be a Bill of Sale, made to me on that day by Don Joao Mariano Aldecor, of the Spanish schooner "*Lince*" (now "*Ingemane*"), was solely for the purpose of enabling the said vessel to navigate the sea under Portuguese colours, and with papers from this Government; and that I have not really purchased the said vessel, or paid any money for her, and consequently that I have no interest in her now or hereafter. In faith of which, I have duly subscribed my name to these presents, at the City of Praia, St. Jago, in the Cape de Verde Islands, this 26th day of June, 1837.

(Signed) TIMOTIO CARDOZO DE MELLO.

Witnesses,

(Signed) FRANCISCO CARDOZO DE MELLO.
ANTONIO DIONIZIO FURTADO.

Translation of No. 11.

I, the undersigned, do hereby declare, before the undersigned witnesses, that I give all power and authority to Don Joao Mariano Aldecor, in my name, to possess, to act for, to navigate, on his own account or that of another, as he deems most fit, the Portuguese schooner called "*Ingemane*," my property, and to sign all contracts and public documents, and to do whatever may be necessary, in the same manner that I could in my own person; and to sell and dispose of the vessel as he may think proper, on my account, and for my benefit, and to execute Bills of Sale, and a transfer of the said schooner. In faith of which I sign these presents in the City of Praia, St. Jago, in the Cape de Verde Islands, on this 28th day of June, 1837.

(Signed) TIMOTIO CARDOZO DE MELLO.

Witnesses,

(Signed) ANTONIO DIONIZIO FURTADO.
IGNACIO CARLOS FONCECA.

No. 12 is a certificate from the Spanish Vice-Consul at St. Jago, dated the 29th June, 1837, stating that Angel Jimenes, the Captain of the Spanish schooner "*Lince*" had delivered at the Consul's Office the Royal Passport received at Havana on the 21st February, 1837, and numbered 57, for the purpose of its being transmitted to the Consul-General of Spain, established at Lisbon.

Sierra Leone, 7th April, 1838.

Third Enclosure in No. 30.

Abstract of Evidence in the Case of the Portuguese Schooner "Ingemane," Antonio Joaquim de Faria, Master.

Declaration of the Prize Master.

I, FRANCIS FREELING, Mate of Her Majesty's ship-of-war "Comus," the Honourable Plantagenet Pierrepont Carey, Captain, hereby declare that, on the 12th day of September, 1837, being in or about latitude 20° 09' 55" N, longitude 82° 59' 30" W, we detained the schooner or vessel named the "Ingemane," sailing under Portuguese colours, not armed with any gun, commanded by Antonio Joaquim de Faria, who declared her to be bound from Rio Nunez to the Havana, with a crew consisting of 10 men, 1 boy, and 1 passenger, and having on board 82 slaves, all of whom were healthy, and said to have been taken on board at Rio Nunez on or about the 4th day of August, 1837.

I do farther declare that the said schooner or vessel appeared not to be seaworthy, and was supplied with a stock of water and provisions for the support of the said negroes and crew on their destined voyage to Havana.

I do further declare that the said schooner having been carried to Havana and carefully surveyed, she was found to be unseaworthy, and unfit to proceed to the Port of Sierra Leone; that she was ordered to proceed to Nassau, in New Providence; and that she sailed from Havana for the said Port of Nassau on or about the 24th day of September, 1837, with the before-mentioned 82 slaves on board.

(Signed) FRANCIS FREELING.

Affidavits of the Prize-Master.

Francis Freeling, Mate of Her Majesty's ship "Comus," having been duly sworn, deposed that the Portuguese schooner "Ingemane," Antonio Joaquim de Faria, Master, prize to Her Majesty's ship "Comus," was surveyed at Havana by Mr. Thomas A. Wemyss, Master of Her Majesty's said ship "Comus," and the Carpenters of Her Majesty's ships "Belvidera," "Wanderer," and "Comus;" that this Deponent verily believes that the Surveyor's Report was given to Captain Charles B. Strong, of Her Majesty's ship "Belvidera," the Senior Naval Officer at the Havana at the time the survey was held; that this Deponent never had the said Surveyor's Report in his possession; that the Honourable Plantagenet Pierrepont Carey, the Captain of Her Majesty's said ship "Comus," is now on the West Indian Station, and that he never furnished this Deponent with a Declaration relative to the capture of the said schooner and slaves; that the number of slaves found on board the said schooner at the time of capture was 82; that the whole of the said slaves were healthy; that none of them died previous to the arrival, or during the stay, of the said schooner at Havana; that this Deponent left Havana for England on the same day that the said schooner left Havana for Nassau in New Providence.

Examination on the Standing Interrogatories.

Antonio Joaquim de Faria, the Master of the detained vessel, being sworn and examined on the standing interrogatories, deposed that he was born in Lisbon, and has lived at St. Jago, in the Cape de Verde Islands, for the last three years; that he has never served any State but Portugal; that he is not married; that he was appointed to the command of the detained vessel at the Cape de Verde Islands, in June last, by Francisco Cardozo de Mello, a resident of that place, but, witness believes, a Brazilian subject; that witness was present when the detained vessel was captured with slaves on board; that the vessel is called "Volante," and he has never heard her called by any other name; that she is about 50 tons burthen, and had 12 officers and mariners, exclusive of witness, all Portuguese, who were hired and shipped by witness at the Cape de Verde Islands in June last; that neither he nor any other of the officers or mariners had any interest in either vessel or cargo; that he was Master on board; that there was one passenger, a Spaniard, named Mariano, embarked in the Rio Nunez for a passage to Havana; that he does not know the profession of the said Mariano, or his business at Havana; that the said passenger had no interest in either vessel or cargo, or any authority whatever on board the captured vessel; that the last clearing port was St. Jago, in the Cape de Verde Islands, and the voyage commenced there and was to have ended at Havana; that from St. Jago the vessel proceeded to Rio Nunez direct, where she lay about one month, and shipped her slaves; that the capturing vessel was first seen about 25 leagues to the north of Matanzas, in September last; that seizure took place the same day; that the detained vessel was steering for Havana at the time, and in the sight of the man-of-war made every effort to escape; that there was no gun mounted, and only 12 muskets and as many cutlasses on board for the defence of the vessel; that no resistance was made to capture, nor were there any instructions to resist, or to conceal or destroy any of the vessel's papers; that Francisco Cardozo de Mello was the sole owner of the vessel, a Brazilian by birth, who lives with his wife (whom witness believes to be also a Brazilian) at the Cape de Verde Islands; that witness believes that the vessel, if restored, will belong to the said De Mello, and to no other person; that the owner and consignee of the cargo was Don Pedro Martinez, a Spaniard, and a resident merchant of Havana; that the slaves were to have been landed near Matanzas, on account and risk of Martinez, and, if restored, will belong to him only; that witness believes so, because he knows that Cardozo de Mello is the correspondent of Martinez, and because he believes that the vessel was the property of Martinez, until she was transferred to De Mello for the purpose of obtaining the Portuguese flag; that the cargo laden at the Cape de Verdes on the present occasion was tobacco, rum, and dry goods, that bulk was broken at the Rio Nunez, where 85 slaves were shipped from the shore; that 3 of the said slaves died before capture; that after capture the vessel was taken to Havana, and thence, witness believes, to New Providence.

André Gabeno, who had shipped as cook, and was afterwards boatswain, of the detained vessel, was also sworn and examined on the standing interrogatories. His evidence is of a very limited nature; but, so far as it goes, it is similar to that given by the last witness.

Sierra Leone, April, 7th, 1838.

Fourth Enclosure in No. 30.

Judgment given in the Case of the Portuguese Schooner "Ingemane," Antonio Joaquim de Faria, Master.

In disposing of this case for the present, the Court will briefly advert to the irregular manner in which it has been presented to its notice.

1st, There is no *Captor's Declaration*, as prescribed in the Regulations, issued by the Lords Commissioners of the Admiralty to the Commanders of all Her Majesty's ships and vessels employed on the several naval stations for the suppression of illegal Slave Trade. This irregularity, it is true, is not such as would prevent our adjudicating upon the case. No captor's declaration was produced in the prosecutions against the "*Fabiana*" in 1820, and the "*Arrogante Mayaguesana*," in 1834, and yet both vessels were condemned. It may however be observed that, in the two instances referred to, the want of the usual declaration was most satisfactorily accounted for.

2ndly. It has been stated in evidence that the detained vessel was surveyed whilst lying in the Port of Havana, and that she was declared to be unfit to attempt the voyage to Sierra Leone. *No Report of Survey has been produced.* The deficiency, however, is in some measure supplied by the affidavit of the Prize-Master, Mr. Francis Freeling.

3rdly. The Court is left in total ignorance of the condition, position, or even the existence at the present moment, of the detained vessel and her cargo of slaves. Nothing whatever is known respecting either by any of the witnesses produced by the captor, further than that the "*Ingemane*" left the Port of Havana in company with Her Majesty's ship "*Comus*," with the intention of proceeding to Nassau, in New Providence. We are therefore without any evidence to show that the Prize arrived at Nassau, or landed her slaves in the care of the Colonial Authorities at that place; and without some satisfactory proof of these facts, documentary or otherwise, some receipts, in the usual form, for the vessel and the slaves, the case cannot be *finally* disposed of.

The evidence against the "*Ingemane*" is clear and decisive, and her guilty employment in the prohibited traffic in slaves is established by the concurrent testimony of those who were concerned in the illegal adventure. It has also been satisfactorily proved that 82 slaves were on board the detained vessel at the time of her capture.

Under these circumstances, and in accordance with the practice which has ever been pursued with regard to vessels which, although engaged in illicit Slave Trade, and liable to confiscation at the time of their seizure, were subsequently not brought within the jurisdiction of the Courts, this Court decrees that the Portuguese schooner "*Ingemane*" Antonio Joaquim de Faria, master, was lawfully and justifiably detained by Her Majesty's Ship "*Comus*," Captain the Honourable Plantagenet Pierrepont Carey, commanding, and that the said schooner "*Ingemane*" was, at the time of her seizure, subject and liable to confiscation, for being engaged in the illicit traffic in slaves, contrary to the provisions of the Treaty and Convention between Great Britain and Portugal of the 28th of July, 1817. The Court further decrees that it has been proved that 82 slaves (the sexes and ages of whom have not yet been ascertained) were on board the said schooner "*Ingemane*" at the time of her detention as aforesaid, and which slaves were therefore subject and liable to a sentence of emancipation.

In accordance with the practice already referred to, the Court withholds the *final* sentence, which will *condemn* the vessel as good and lawful Prize to the Crowns of Great Britain and Portugal, and which will *emancipate* the slaves captured on board of her, until the Court shall be made aware, in the usual manner, of the existence of the vessel and her cargo, where they have been left, and in what condition they may be.

All the evidence having been taken in the case, the witnesses dismissed, and the decree just pronounced being an effectual bar to any claim against the captors on the part of those who are interested in the detained vessel, the only inconvenience which can result from the delay in giving final sentence is, that the captors will not be entitled, so soon as they otherwise would be, to realise the pecuniary benefits resulting from their seizure. We trust, however, that this inconvenience, slight as it is in the case of a man-of-war which, like Her Majesty's ship "*Comus*," has only lately arrived on her station, will have the effect of causing a greater degree of attention to the regulations, issued for the guidance of Naval officers in preparing the necessary documents for the Court which has to adjudicate their prizes.

The application of the Proctor for the captors, that the Court should now finally dispose of the case, is not more opposed to practise than it is to reason. The consequence of a sentence of condemnation on the "*Ingemane*" would be the emancipation of the slaves, and the issue of a Commission for the Appraisement and Sale of the condemned property. And were we to comply with the Proctor's request, we might find ourselves in the condition of having adjudicated respecting property and persons long since lost at sea, or driven into foreign parts and places, where the sentence of the Court could not be carried into effect.

There is no instance on record in which the course recommended by the Proctor has been pursued. On the contrary, judgments in the same form as that pronounced to-day, have been passed by Her Majesty's Commissioners on various vessels similarly situated.

See, in the Spanish Court, the cases of the

" <i>Dichosa Estrella</i> ,"	adjudicated June 18, 1822.
" <i>Y Canam</i> ,"	" June 25, 1822.
" <i>Maria la Luz</i> ,"	" Sept. 8, 1823.
" <i>Teresa</i> ,"	" Jan. 3, 1826.
" <i>Christina</i> ,"	" Nov. 27, 1829.

And in the Portuguese Court the

" <i>Esperanca Felix</i> ,"	adjudicated July 4, 1822.
" <i>Defensora da Patria</i> ,"	" " "
" <i>Nymfa del Mar</i> ,"	" Aug. 28, 1822.
" <i>San Jozé Xalaca</i> ,"	" " "
" <i>Toninha</i> ,"	" July 21, 1827.

In these cases, it is true, the vessels were known to have been lost, subsequent to capture, and before they could arrive at Sierra Leone for adjudication; but the same principle is of course applicable

equally to vessels, the fate of which is uncertain, and the existence of which there is no evidence to prove.

On the grounds therefore which guided our predecessors in the cases which have just been quoted, we must defer pronouncing a judgment for the condemnation of the "*Ingemane*" and the emancipation of her slaves, until the captor has supplied the requisite evidence to enable us to do so.

Sierra Leone, April 3rd, 1838.

No. 31.

Her Majesty's Commissioners to Viscount Palmerston.—(Received July 10.)

MY LORD,

Sierra Leone, April 21, 1838.

WE have the honour to enclose, for your Lordship's information, our Report of the case of the Portuguese brig "*Felicitades*," Manoel Francisco Cardozo, Master, captured by Her Majesty's Sloop "Scout," Robert Craigie, Esq., Commander, off the Old Calabar River, on the 8th ultimo, with 559 slaves on board. An Abstract of the Evidence given by the witnesses is also enclosed.

The "*Felicitades*" arrived here on the evening of the 6th instant, and was brought into the British and Portuguese Court on the following day. The charge of illegal Slave Trading was distinctly admitted by the parties engaged in it; and on the 17th instant a sentence was pronounced, by which the vessel was condemned as a good and lawful prize, and the survivors of the numerous slaves captured on board of her were emancipated from slavery.

The Portuguese passport with which this vessel was furnished, is dated at the Cape Verd Islands on the 29th December, 1835, about the time when it first became known on the coast that a new treaty for the suppression of Slave Trade had been entered into with Spain; and yet it does not exhibit a single endorsement until the 3rd of October last, on which day the vessel cleared out from Havana for St. Thomas. Many different voyages have no doubt been made by the "*Felicitades*" during the two intervening years; and indeed the Master of the detained vessel has deposed, that the last voyage of the vessel was from Monte Video to Havana with Brazilian jerked beef, such as is used in feeding slaves on their passage from the Coast. The absence, therefore, of any endorsement on the passport during so long a period can only be accounted for by supposing, that the vessel has sailed with other papers for some time past; and that this document, though bearing date in 1835, was only lately obtained for the purposes of the present voyage.

The endorsement of the 3rd of October, 1837, to which we have referred, is made by the Portuguese Consul at Havana; but there is a total absence of any description of clearance from the Spanish Authorities at the same place; and this circumstance leads us to believe that the "*Felicitades*" was also supplied with Spanish papers, and that she intended to assume the flag either of Spain or Portugal, as occasion might require, sheltering herself, when necessary, from the operation of the Equipment Article of Spain, by means of her Portuguese papers; and, should she succeed in safely landing her slaves on the coast of Cuba, entering inwards in *ballast* at the Port of Havana as a Spanish vessel. Owing to the ease with which papers may be purchased, and transferred from one to another, and to the double and constantly changing names of the same vessel, it is difficult, and in many cases impossible, to detect the frauds which it would seem to be the main object of every Spanish and Portuguese functionary to connive at and protect.

In the present instance we have no doubt, that the vessel was owned by Francisco Ferréte, a Spaniard resident at Havana, who embarked at that port as a passenger, but whom the witnesses describe as the supercargo intrusted with the management of all the trading operations of the vessel, the consignee at Havana, and the Old Calabar River, and the person who engaged and appointed the officers at the former place.

We have, &c.

(Signed)

H. W. MACAULAY.
R. DOHERTY.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

CLASS A.

G

First Enclosure in No. 31.

Report of the case of the Portuguese brig "Felicidades," Manoel Francisco Cardozo, Master.

THE papers found on board this vessel at the time of capture, are the following :—

No. 1.—A general Portuguese Passport, granted by Joaquim Pereira Marinho, the Governor-General of the Cape de Verde Islands, and the coast of Guinea, dated at Villa da Praia, in the Island of St. Jago, on the 29th of December, 1835. It describes the vessel to be a brig of American build, to be owned and commanded by Jozé Justinho Peres de Farias, a Portuguese subject, and to be 218 tons burthen. The only endorsement on this Passport is one by the Portuguese Consul at Havana, on the 3rd of October, 1837, stating that the vessel was about to make a voyage to St. Thomas's, under the command of Manoel Francisco Cardozo, the present master.

No. 2.—The muster-roll of the vessel, signed and sealed by the Portuguese Consul at Havana, on the 4th of October, 1837, mentions Jozé *Faustinho* Peres de Farias, as the owner. The crew is said to consist of 40 persons, including the captain; and one person, Francisco Ferréte, is named as a passenger on board. Although there is a slight difference in the name given to the owner in this paper, we presume that the person referred to in No. 1, is intended.

No. 3 is an Official Manifest, dated the 2nd of October, 1837, of the cargo taken on board the "*Felicidades*" at Havana; and to it is attached a certificate of the Portuguese Consul on the following day.

Furnished with these papers, authorising only a voyage to St. Thomas, the "*Felicidades*" went direct to the Old Calabar River, and there bartered her cargo of trade goods for slaves, of whom she took on board between 500 and 600 on the 5th ultimo, and immediately made sail for the Havana, but was captured 3 days after leaving the Calabar by Her Majesty's sloop "*Scout*;" Robert Craigie, Esquire, Commander.

The "*Felicidades*" arrived in this harbour on the 6th instant, in charge of Mr. George Horwood, Master's-Assistant of the "*Scout*;" and her arrival was duly reported by the Marshal on the same day. The Surgeon's Report stated that there were numerous cases of bowel-complaint, ulcer, and ophthalmia on board, requiring immediate treatment; and recommended that the whole of the slaves should be landed as soon as possible, owing to their crowded and diseased state.

On the 7th instant, the "*Felicidades*" was brought into Court in the usual manner. The affidavit of Mr. Horwood, the Prize-Master, authenticating the ship's papers, and verifying the facts stated in the captor's declaration, was received and filed; the ship's papers, and the captor's declaration were lodged in the Registry; the Monition was issued to the Marshal for publication; and the witnesses in preparatory produced by the captor, were ordered to give immediate attendance for the purpose of their being examined on the standing interrogatories. The whole of the slaves were landed on the same day, the sickly being conveyed to the hospital at the village of Kissy, and the remainder being placed in charge of the Liberated African Department in Freetown.

The different witnesses were examined on the standing interrogatories, on Monday the 9th instant; and their depositions will be found fully detailed in the Abstract of Evidence which accompanies this Report.

The affidavit of the Prize-Master, on the subject of the deaths which had taken place amongst the slaves subsequently to their detention, was filed on the 10th instant. It declares that, notwithstanding every care and attention on the part of the deponent and the prize crew, 134 slaves had died between the 8th ultimo, and the 7th instant, when the survivors of the slaves were landed in this Colony, and that 5 of that number had thrown themselves overboard, and been drowned. The evidence being thus complete, publication was granted on the same day, on the petition of the captor's Proctor.

The Monition issued on the 7th instant, was returned into the Registry by the Marshal on the 14th instant; but owing to the indisposition of His Excellency, Colonel Richard Doherty, the Acting-Commissioner, the Court did not assemble for the adjudication of the case until 3 days afterwards.

At the sitting of the Court, the Marshal's return of slaves up to that date was presented, shewing that, of the 425 slaves landed on the 7th instant, 14 had since died, and that 3 more had absconded. The exhibits filed in the case were then read, and the charge of illegal Slave Trading having been fully established, the Court decreed the condemnation of the "*Felicidades*," as good and lawful prize to the Crowns of Great Britain and Portugal. And with respect to the slaves, it was decreed that 559 were on board the detained vessel at the time of her capture by Her Majesty's sloop "*Scout*," Robert Craigie, Esquire, Commander; that 134 of the said slaves died whilst in charge of the Prize-Master, and 14 subsequently; and that the 408 slaves remaining in charge of the Liberated African Department be emancipated from slavery. Three other slaves had absconded whilst awaiting the adjudication of the case, who were also decreed to be emancipated, if still alive.

(Signed)

H. W. MACAULAY.
R. DOHERTY.

Sierra Leone, April 21st, 1838.

Second Enclosure in No. 31.

Abstract of the Evidence in the case of the Portuguese Brig "Felicidades," Manoel Francisco Cardozo, Master.

I, Robert Craigie, Esquire, Commander of Her Britannic Majesty's Sloop "*Scout*," hereby declare that, on this 8th day of March, 1838, being off the Old Calabar River, I detained the brig "*Felicidades*," sailing under Portuguese colours, armed with two guns, twelve-pounders, commanded by Manoel Francisco Cardozo, who declared her to be bound from Old Calabar to Havana, with a crew consisting of 33 men, no boys, no supercargo, one passenger, whose names as declared by them respectively, are inserted in a list at foot hereof, and having on board 559 slaves, said slaves have been taken on board at Old Calabar on the 6th day of March, 1838, and are enumerated as follows:

	Healthy.	Sickly.
Men . . .	216	21
Women . . .	39	2
Boys . . .	134	24
Girls . . .	109	14

I do further declare that the said brig "*Felicitades*" appeared to be seaworthy, and was supplied with a sufficient stock of water and provisions, for the support of the said negroes and crew on their destined voyage.

Examinations on the Standing Interrogatories.

Manoel Francisco Cardozo, Master of the detained vessel, being produced, sworn, and examined on the standing interrogatories, deposed that he was born in Pico, one of the Azores, and resides there; that he has never served any state but Portugal; that he is not married; that he was appointed to the command of the detained vessels and possession of her was given to him at Havana in October last, by the supercargo, Francisco Ferréte, a resident of Havana, and a Spanish subject; that he first saw the vessel there about two months previously, and believes she is Spanish built; that he was present when the detained vessel was captured with slaves on board; that she sailed under Portuguese colours, and had also a French flag for a signal; that she never had any name but "*Felicitades*," to witness's knowledge; that she is 218 tons burthen, and had a crew of 41 officers and mariners, exclusive of witness, part Portuguese, and part Spaniards, all hired and shipped by witness at Havana, in October last; that neither he, nor, to his knowledge, any of the officers or mariners had any interest in either vessel or cargo; that he was master on board; that there was no passenger; that the last clearing Port was Havana, where the voyage commenced, and where it was to have ended; that from Havana the vessel proceeded direct to Old Calabar, where the supercargo went ashore, and that the cargo was landed, and the slaves shipped in that river; that the capturing vessel was first seen outside the bar of the Old Calabar on the 8th of last month, and capture took place a few hours afterwards, by means of the man-of-war's boats; that at the time of capture the detained vessel was steering for Havana; that there were two guns mounted, twenty muskets, as many cutlasses, and some cartridges and powder, for the defence of the vessel; that no resistance was made to capture, nor were there any orders to resist, or to conceal or destroy any of the vessel's papers; that he believes one Farias, a resident of the Cape Verdes, and a Portuguese subject, is the owner of the vessel; that he is not acquainted with the said Farias, and knows nothing about him; that he knows nothing of any Bill of Sale, and has never seen or heard of one; that he knows nothing of the price paid for the vessel, which he believes to be the property of Farias because he has always heard so; that he knows nothing of any private agreement; that he believes the said Farias to be also the owner of the cargo of slaves; that the lader and consignee of the slaves was Francisco Ferréte; that he does not know where the said Ferréte lived previously to his residing at Havana, or how long he has lived in the latter place; that the slaves were to have been landed on the coast of Havana, on the account and risk (witness believes) of Farias, and that they would belong to him if restored; that he believes the former voyage of the vessel was from Monte Video to Havana with jerk beef; that the cargo shipped at Havana for the present voyage was tobacco, rum, and dry goods; that the present cargo is slaves, of whom 549 were taken on board in the Old Calabar; that 9 of the said slaves died before capture, but he does not know how many have died since; that after capture the detained vessel was carried to Sierra Leone; that he is ignorant whether the vessel or cargo be insured; that she was under the management of the supercargo with regard to her trade.

João Netto, a seaman of the detained vessel, was also examined on the standing interrogatories, and deposed to the same effect as the Master.

Sierra Leone, April 21st, 1838.

No. 32.

Her Majesty's Judge to Viscount Palmerston.—(Received October 17.)

MY LORD,

Sierra Leone, May 30, 1838.

IN the absence of His Excellency Governor Doherty, I have the honour to enclose to your Lordship the Report of the case of the Portuguese brig "*Velox*," Joaquim Antonio Coelho, late Master, adjudicated in the British and Portuguese Court of Mixed Commission on the 5th instant; together with an Abstract of the Ship's Papers; an Abstract of the Evidence given by the several witnesses; and a translation of various documents, papers, and letters, found on board the detained vessel by the captor, Lieutenant William Brown Oliver, commanding Her Majesty's Schooner "*Fair Rosamond*."

On the 18th September last, the "*Velox*," having a full cargo of slaves on board, was fallen in with outside the bar of the Benin, by the "*Fair Rosamond*," and chased back into that river, where she disembarked her slaves on the same evening. A boat from the man-of-war attempted on the same day to board and examine the chase, but was fired upon and beaten off by the Portuguese crew, and one British seaman was killed. Shortly afterwards, the "*Fair Rosamond*" herself entered the river, and took possession of the "*Velox*" and her crew, intending at that time, and for six months subsequently, to prosecute the case as one of piracy. Nor was it until the 26th ultimo that the "*Velox*" was brought before the Mixed Commission Court at this place.

Of the piratical acts charged against the detained vessel, this Court could of course take no cognizance, nor was any evidence of such acts either tendered or required; but the illegal shipment of 228 slaves "for the purposes of the traffic," on the 18th September last, and the subsequent relanding of these slaves on the evening of the same day, were so clearly established by the depositions of the Captain and Mate of the "*Velox*," that no doubt could exist of a breach of the first Additional Article to the Portuguese Convention of the 28th July, 1817, having been committed.

All the proceedings in the case were closed on the 4th instant, by the return of the Monition into the Registry; and on the following day the Court decreed the condemnation of the "*Velox*" and her cargo, as good and lawful prize to the Crowns of Great Britain and Portugal. Immediately after the sitting of the Court, His Excellency Governor Doherty, Her Majesty's Commissioner of Arbitration *ad interim*, left this Colony for the Gambia, on board Her Majesty's Schooner "*Fair Rosamond*," and has not yet returned.

I beg leave respectfully to request your Lordship's attention to the documents found on board the "*Velox*" at the time of her capture, and of which I have obtained translations after much difficulty and delay. These papers contain indubitable evidence of the system and extent of the Slave Trade carried on in Brazil by nominal Portuguese subjects, and of the total absence of any moral sentiment in that country with regard to this disgraceful traffic; nor is it to be supposed that a vessel like the "*Velox*," in every way fitted for slaves, and which appears to have had a large quantity of slave-irons on board, could have cleared out from Pernambuco without the knowledge of the Custom-House Authorities, and of the Portuguese Consul, and without their connivance at her illegal equipment.

The following is a brief history of the transactions disclosed in the accompanying papers:—On the 14th December, 1836, an Association or Joint Stock Company was formed at Pernambuco, with a capital of eighty millions of reis, and consisting of twenty members, each subscribing four millions of reis. By a formal contract or bond, signed by all the members, it was stipulated that one-half of the capital should be paid up within twenty days from the date of that instrument; that the Association should last for a period of three years; and that proper vessels for the transport of cargoes should immediately be bought and built. For the management of such an extensive undertaking José Francisco de Azevedo Lisboa has been appointed Treasurer at Pernambuco, by the general consent of the members; and two of the proprietors, named Joaquin Leocadio d'Oliveira Guimariens, and Manoel Alves Guerra, have been nominated to assist in conducting the speculation, and in keeping the accounts, of which a statement or balance-sheet is to be presented to the subscribers every half-year. The river Benin, on the coast of Africa, is the spot which has been selected for the establishment of a slave-factory on a very extensive scale; and three principal agents have been appointed to purchase slaves, and to superintend the operations of the Company in that quarter. The amount of remuneration which the Treasurer and the agents will receive for their services, is made to depend on the profits realized by the Company; the net balance being divided into twenty-four equal parts, of which twenty parts are taken by the twenty proprietors, and the remaining four are handed over to the Treasurer and the three agents. But although these persons are thus entitled to share in the profits of the Company, and although one of them (the Treasurer) is to appear in the registers and passports of the vessels, and on all other occasions, as the sole and responsible proprietor, it is expressly declared that none of them possesses any right or interest in the property committed to his care. Of the three shares appropriated to the servants of the Company resident in Benin, one is held by Joao Baptista Cézar, who is to act as the principal agent, and to conduct the correspondence with the Treasurer at Pernambuco; another is held by a Manuel José Delgado, and the third is divided at present, by a provisional arrangement, between Joaquim Gomez Coimbra and Antonio Fez Vianna.

From the evidence taken in this case, and in that of the "*Camoës*," reported in the Despatch of the 22nd of January last, it has been clearly proved that José Francisco de Azevedo Lisboa, the Company's Treasurer, the ostensible owner of the "*Velox*," and the owner of the cargoes of both vessels, is resident at Pernambuco with his wife and family, and conducting the mercantile business of Messrs. Antonio da Silva and Co., merchants of that city. A reference to the same evidence, and to some of the letters comprised in the annexed translations, will show, that the wife and family of João Baptista Cézar, the principal agent at Benin, are

also living at Pernambuco, "where he has been carrying on the business of a mercantile agent;" and that it is probable that he has himself by this time resumed his residence in the same place. With respect, also, to the two shareholders named as assistants to the Treasurer, viz., Manoel Alves Guerra, and Joaquim Leocadio d'Oliveira Guimariens, the circumstance of their being appointed to conduct the affairs of the Company in Pernambuco, as well as the letters numbered 11 and 15, point them out as residents in that city. It may therefore be hoped that so good an opportunity will not be lost of enforcing the penalties prescribed by the laws both of Portugal and Brazil, against parties illegally engaged in Slave Trade.

The Company being fully established by the Contract of the 14th December, 1836, and proper agents having been selected for conducting its affairs, both in Brazil and on the coast of Africa, business was commenced by the despatch of the Portuguese brig, "*Camoës*," Antonio Gomes da Silva, Master, which cleared out from Pernambuco on the 3rd February, 1837, for the Cape de Verde Islands, by way of Bahia, St. Thomas', Princes', and other ports of Africa. The proceedings of the "*Camoës*" are so intimately connected with those of the "*Velox*," and so frequently alluded to in the accompanying papers, that I beg to refer your Lordship to the Despatch of Her Majesty's Commissioners reporting the restoration of that vessel on the 22nd January last.

From Pernambuco the "*Camoës*" went direct to Bahia, where a cargo of merchandise was procured from the mercantile house of Messrs. Duarte and Warren; and she sailed again from that port, direct for the river Benin, on the 13th March, 1837, having on board as a passenger Antonio Fez Vianna, one of the agents already mentioned; and leaving behind in Bahia, Antonio Dias (the ostensible Captain of the "*Camoës*"), and Manuel José Delgade, another of the Company's agents, who shortly afterwards followed in a small schooner or yacht, called the "*Especulador*," which was purchased for the use of the factory at Benin, by Messrs. Duarte and Warren. The "*Camoës*" was succeeded by the Portuguese brig "*Velox*," nominally commanded by Joaquim Antonio Coelho, but really by Joaquim Pedro de Sa Faria, which vessel cleared out from Pernambuco on the 29th April 1837, and carried out João Baptista Cézar, the principal agent of the Company on the coast of Africa, and Joaquim Gomes Coimbra, also mentioned above as sharing with Vianna one twenty-fourth part of the Company's profits. The "*Camoës*" arrived in the Benin in April, 1837, and the "*Velox*" on the 6th June following. The time when the yacht "*Especulador*" arrived is not known; but it is certain that she made a voyage from Benin to Princes' Island and back, with Cézar, the principal agent on board, between the 25th July and the 16th August, 1837. Besides the vessels already named, two small schooners were being built at Oporto for the service of the Company, which were expected to arrive about the middle of August last, but which had not made their appearance in September, at the time when both the "*Camoës*" and "*Velox*" were taken possession of by Her Majesty's schooner "*Fair Rosamond*."

The instructions drawn up by the Treasurer at Pernambuco for the regulation of Factories in the Benin, display an intimate acquaintance with the African mode of trading; but it would hardly perhaps have been expected, that a correct moral deportment, and an observance even of the forms of religion, would have been so strictly enjoined on the agents of a slave factory. It seems to have been the object of the Company to obtain from the native chiefs, if possible, the right of trading for slaves in the river Benin, to the exclusion of all other slave vessels; but in this object they have not succeeded. They however purchased the right of establishing factories at Gotto, at Oery, and Bobim, by the payment of heavy duties to the kings or headmen, and at those places the purchase of slaves was regularly proceeding, at the time when the "*Velox*" left the river. Two hundred and twenty-eight slaves were shipped on board the "*Velox*" on the 18th September, and it was intended to despatch the "*Camoës*" with a full cargo by the latter end of the following month. Preparations were also made for loading the two schooners expected from Oporto, and it was estimated that from 200 to 250 slaves might be purchased monthly throughout the year, if only the agents were regularly supplied with a proper assortment of goods from Pernambuco.

The total loss of the "*Velox*" and of the 138 slaves (part of the cargo of the "*Velox*") who were brought to this colony in the "*Camoës*," just at the outset of the Company's operations, will, it is to be hoped, so derange their plans and exhaust their resources, as to lead to the abandonment of their scheme. It may also be remarked, that the expense and delay to which the "*Camoës*" was subjected, in

consequence of her unjustifiable detention by Her Majesty's schooner "*Fair Rosamond*," were but inadequately compensated by the damages awarded against the captor.

The directions issued to the Company's vessels for their outward and homeward voyages are curious, as shewing the systematic frauds practised by experienced slave traders. The use of a code of signals on their making the coast of Africa, and the appointed places of landing their cargoes in Brazil; the constant look-out from the mast-heads; the avoidance of all communication with other vessels; the loosening the iron-knees which bind the beams, and the cutting away stanchions, or anything else which may check their speed in chase; the throwing overboard the slave-irons and boilers, when likely to be overhauled, even on their outward voyage; the keeping the slaves below on their approaching boats or the land, on their homeward voyage; the filling up of a prescribed form of protest, to be signed by all on board, accounting for the return of the vessel to Pernambuco *in ballast*, by declaring that they had been detained and plundered at sea by a pirate; these and other observances are strictly enjoined on the Commanders of all the Company's vessels.

As a matter of convenience, and also for the purpose of deceiving Her Majesty's cruisers, and ascertaining their position and movements, the Company's vessels are in future, after landing their goods in the Benin, to proceed to Princes' Island, and there to take in their wood, water, and provisions for the slaves, returning to Benin by the time appointed for the embarkation of their human cargo. To assist in effecting this object, the agent, Antonio Fez Vianna, has taken up his residence at Princes', where he is stated to be on the best possible terms with the Portuguese Governor.

It cannot fail to be remarked, that not the slightest apprehension is expressed in the enclosed papers, or appears to have been entertained by any of the parties concerned, that punishment would follow their wholesale infraction of the law, or that the plans of the Company would be either endangered or obstructed by the interference of the Brazilian authorities, or the Consular Agents of Portugal, or the Governor of Princes' Island. On the contrary, all the precautions adopted have reference to the cruisers of Her Majesty's squadrons on the African and South American stations.

In conclusion, I hope I may be excused for observing, that the correctness of the opinion which the Commissioners formed respecting the difficult case of the "*Camoës*," is amply confirmed by the accompanying papers, which prove that the slaves placed on board that vessel, with the knowledge and connivance of the captor, were part of the cargo of the "*Veloz*," and that the "*Camoës*" was not intended to sail, until long after the date of her capture.

I have, &c.

(Signed)

H. W. MACAULAY.

Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

First Enclosure in No. 32.

Report of the Case of the Portuguese brig "Veloz," Joaquim Antonio Coelho, late Master.

THIS vessel cleared out from Pernambuco with a Portuguese passport, on the 29th of April 1837 and came direct to the river Benin, where she arrived on the 6th of June, after a passage of 37 days. Trade was then immediately commenced with the natives for slaves; and on the 18th of September the "*Veloz*," left the Benin, bound to Pernambuco, with a cargo of 228 slaves on board. Soon after clearing the river, she was descried by Her Majesty's Schooner "*Fair Rosamond*," Lieutenant William Brown Oliver, commanding; chase was given, and the "*Veloz*" ran back to Benin, crossed the bar, and disembarked her slaves again the same evening. A boat from the "*Fair Rosamond*," under the command of the senior mate, was then despatched to examine the suspected vessel; but the most determined resistance was made by the crew of the slaver, the boat was fired upon and beaten off; and a British seaman was killed.

On the return of the Man-of-War's boat, after her unsuccessful attempt to exercise the right of search, the "*Fair Rosamond*" blockaded the Benin for several days, until the state of the tides enabled her to enter the river, when she ran along side the "*Veloz*," which was then lying at anchor off the town of Bobim, and immediately took possession of the slave vessel and her crew. This occurred on the 23rd of September last, and it does not appear that Lieutenant Oliver entertained the idea until very lately of bringing his prize before the Courts of Mixed Commissions, for a breach of the slave trade treaty. The captor seems to have intended to prosecute her as a pirate in the Court of Vice Admiralty, and it was only on his arrival here on the 23rd of April, that he determined on a contrary course. The "*Veloz*" in the mean time was carried first to Princes' Island, then to St. Thomas', and afterwards to Ascension, where she remained for a considerable time, awaiting the arrival of Admiral Sir Patrick

Campbell in Her Majesty's ship "Thalia," whose advice and directions Lieutenant Oliver was anxious to obtain.

On the 26th of April, the "*Veloz*" was brought before the British and Portuguese Court of Mixed Commissions, for violating the first additional article to the Portuguese Convention of 1817, in having had slaves on board in the particular voyage in which she was captured. The usual petitions from the captor's Proctor having been presented, the captor's declaration and affidavit of seizure were received and filed; the papers of the vessel duly authenticated were lodged in the Registry; and a Monition was issued, calling upon all interested parties to appear on or before the 4th instant.

The witnesses in preparatory were the Master and Mate of the detained vessel. They were examined on the standing interrogatories on the 27th ultimo; and their evidence clearly established the fact of the shipment, and subsequent disembarkation, of a large number of slaves, on the 18th of September 1837. Indeed no attempt was made to deny or to palliate the offence; nor was any claim for the vessel presented.

The Monition, issued on the 26th ultimo, was returned into Court on the 4th instant, with the certificate of the Marshal that it had been properly served; and on the following day, a Court assembled for the adjudication of the case. The facts charged against the "*Veloz*" having been distinctly admitted by the guilty parties themselves, a decree was pronounced, condemning the detained vessel as good and lawful prize to the crowns of Great Britain and Portugal, and a commission was at the same time issued for her appraisal and sale.

Sierra Leone, 30th May, 1838.

(Signed)

H. W. MACAULAY.

Second Enclosure in No. 32.

Abstract of Ship's Papers found on board the Portuguese Brig "Veloz."—Joaquim Antonio Coelho, late Master.

No. 1. A Passport from the Portuguese Consul-General in Brazil, dated at Rio de Janeiro, on the 25th of January, 1837, for the Portuguese brigantine "*Veloz*," Francisco Izidro Monteiro, Master, and José Francisco de Azivedo Lisboa, Owner, to sail from Pernambuco for Lisbon, by way of the Islands of St. Thomas and Princes, and other ports of Africa. This Passport was visaed by the Portuguese Consul at Pernambuco, on the 29th of April, 1837, who mentions in his endorsement that the Master of the vessel, at that time, was Joaquim Antonio Coelho, and warns the parties concerned of the penalties attached to slave trading, by the Portuguese Decree of the 10th of December, 1836. There is also another indorsement on this paper in English, in the following words:—"Boarded by U. P. H., June 1st, 1837."

No. 2. The Matricula, or List of the Crew of the "*Veloz*," signed by the Portuguese Consul at Pernambuco, April 26th, 1837, naming Coelho as the Master, and Joao Baptista César as the supercargo, of the vessel.

Nos. 3, 4, 5, 6. Four Certificates from Joaquim Baptista Moreira, the Portuguese Consul, dated at Pernambuco, on the 26th of April, 1837, relative to the Clearance of the "*Veloz*" from that port.

No. 7. The Bill of Lading and Manifest of the cargo shipped on board the "*Veloz*," and to which are attached the seal and signature of the Portuguese Consul at Pernambuco, on the 28th of April, 1837.

No. 8. A sealed Despatch, addressed "On Her Most Faithful Majesty's Service," to the Principal Officer of Customs at the Islands of St. Thomas, or Princes, by the Portuguese Consul at Pernambuco, and enclosing the Custom-house Clearance, and Cockets of the Cargo of the "*Veloz*."

No. 9. A Fort Pass for the "*Veloz*" dated the 29th of April, 1837.

No. 10. A Log-book, of which the first part is apparently torn out, as it commences with the 16th day of the voyage from Pernambuco to Benin (May 16th). It mentions that, on the 1st of June an English schooner-of-war was seen at half-past 6 in the morning, which boarded the; "*Veloz*" a few hours afterwards, and proved to be Her Majesty's schooner "Dolphin." The "Dolphin," then put on board the "*Veloz*," for a passage to Benin, 19 prisoners, who had been taken out of a prize captured just before, and sent up to Sierra Leone. On the 6th of June, 1837, the "*Veloz*" anchored outside the Bar of the Benin.

In the same book is the Journal of a voyage from Benin to Princes' Island and back, made by the launch or yacht "*Especulador*," with the supercargo, or agent, J. B. César, on board. This vessel left Benin, on the 25th of July, 1837, and returned to that river on the 16th of the following month.

Nos. 11, 12. There were two other manuscript Books, written in English, found on board the "*Veloz*," in possession of the mate, Francisco de Paulo Medina.

No. 11 is a small Account-book, headed "Disbursements of the Schooner '*Swift*.'" It commences on the 18th of January, 1823, and shows that the "*Swift*" was at that time lying in Bance Island Roads, in the river Sierra Leone, and that she was consigned to Mr. W. H. Savage, lately deceased, and one of the Proctors in the Mixed Courts. The death of this gentleman has prevented our acquiring any information relative to the fate of this vessel, after she left this port, which it appears she did on the 31st of March, 1823.

No. 12 is the private Log or Journal of a Mr. George Smith, a Master in Her Majesty's Navy, but whose name does not now appear in the Navy List. It contains sailing directions for various rivers, coasts, and islands; a few sketches and charts, a rough Sea Log kept for a short period on board His Majesty's schooner "Spey" in 1816, with calculations of the longitude and day's works, at various times, from the 18th of August, 1820, to the 26th of July, 1829.

It does not appear by what means these books came into the possession of the Portuguese Mate of the "*Veloz*."

Third Enclosure in No. 32.

Abstract of Evidence in the Case of the Portuguese Brig "Veloz," Joaquim Antonio Coelho, late Master.

Captor's Declaration.

I, William Brown Oliver, Lieutenant commanding Her Majesty's schooner "Fair Rosamond," do hereby declare that, on the 23rd September, 1837, being in the river Benin, I detained the brig or

vessel named the "*Veloz*," then at anchor in that river, and furnished with Portuguese colours and papers, armed with 2 guns, and commanded by Joaquin Antonio Coelho (since dead), with a crew of about 21 men and boys; and the names of those I was enabled to detain are inserted (as declared by them respectively) in a list hereto annexed.

And I further declare that, on the 18th of the same month, being off the mouth of the said river Benin, I fell in with the said brig, then laden with a cargo of slaves, and chased her back into the said river, where she succeeded in landing the said slaves, resisted search, and, without hoisting any colours, fired into the boat of Her Majesty's schooner "*Fair Rosamond*," and killed one of her seamen.

And I further declare that I blockaded the mouth of the said river, from the period of chasing the said vessel, until the date of capture, and that on her capture I found her to be seaworthy, and furnished with a sufficient stock of water and provisions for the support of her crew, and of a cargo of slaves.

(Signed)

WILLIAM BROWN OLIVER,
Lieut. and Com. H. M. S. "*Fair Rosamond*."

Freetown, 26th April, 1838.

Examinations on the Standing Interrogatories.

No. 1.

Joaquim Pedro de Sa Faria, being produced, sworn, and examined, deposed that the Master's name was Joaquin Antonio Coelho; that it is about a year since witness became acquainted with the said Master, who was a native of Lisbon and unmarried, and that he died a few days after the vessel's capture; that the Master was appointed to the vessel, and possession of her was given to him at Pernambuco in April, 1837, by one Azevedo Lisboa, a resident of that place; that witness first saw the vessel at Pernambuco the month previous, and that she was built in New York; that he was present when the vessel was seized for having repulsed one of the boats of Her Majesty's schooner "*Fair Rosamond*," when chased back into the Benin, whither the "*Veloz*" was running for the purpose of relanding her slaves; that she sailed under Portuguese colours, and had no others; that the vessel is called "*Veloz*," and has been so named since she was purchased from the Americans; that she had previously been called "*Tobasco*;" that she is about 240 tons burthen, and had 21 officers and mariners exclusive of the Master all Portuguese, shipped and hired at Pernambuco, about a year since, by the aforesaid Azevedo, the owner of the vessel; that neither he, nor any other of the officers or mariners, had any interest in either vessel or cargo; that he was a passenger, and the only one, on board; that he is a Portuguese by birth, and a seaman by profession; that he embarked in the vessel in Pernambuco, in April, last year, for the purpose of trading for slaves in the ports of Africa; that, although he had no property in the vessel or her cargo, he directed her course, and generally superintended her concerns, being authorized by the owner so to do; that the last clearing port was Pernambuco, where the voyage commenced, and where it was to have ended; that from that port the vessel proceeded direct to Benin, where trade was made with the natives for slaves; that the capturing vessel was first seen on the outside of the Bar of the Benin on the 18th of September last; that capture took place in that river on the 23rd of the same month, whilst the "*Veloz*" was at anchor; that when first pursued on the 18th of September the "*Veloz*" was steering for the coast of Brazil, with a cargo of slaves; that the course of the "*Veloz*" was then altered, and she ran back into the Benin, and disembarked her slaves; that there are 2 guns mounted, 1 musket, and 4 or 5 cutlasses, and a small quantity of powder, for keeping the slaves under; that, when the man-of-war's boat first attempted to board on the 18th September, the crew of the "*Veloz*" resisted, and beat the boat off, but witness states that it was in ignorance that it was a man-of-war's boat; that the crew of the "*Veloz*" acted on the occasion of their own accord, and without authority; that there were no instructions for resisting capture, or for concealing or destroying any of the vessel's papers; that Azevedo Lisboa, before named, is the owner of the vessel, as he knows from having received orders from him; that the said Azevedo is a Portuguese by birth, and has long resided with his wife and family at Pernambuco; that he does not know where Azevedo resided previously; that the owner of the vessel is also the owner of the cargo; that the consignee of the vessel at Benin was a native of Portugal named Cézar, whose wife and family reside at Pernambuco, where he carries on the business of a mercantile agent; that the lader of the cargo at Pernambuco was the said owner, Azevedo, who is the book-keeper of the house of Antonio da Silva and Co., merchants of that city; that the lader of the slaves was the said Cézar; that they (the slaves) were to have been landed at Pernambuco on account and risk of the said Azevedo; that 228 slaves were shipped altogether in the Benin upon the 18th of September last, and they were all disembarked the same night, on the vessel's being chased back by the man-of-war; that after capture the detained vessel was taken, first to Princes' Island, then to St. Thomas', and from that to Ascension, where she was anchored on the 16th November, and remained there till brought to Sierra Leone; that bulk was broken in Benin; that 228 slaves were received on board in the Benin, for the purpose of the Slave Trade, on the 18th September last.

No. 2.

Francisco de Paulo Medina, Mate of the said vessel, having been produced, sworn, and examined on the Standing Interrogatories, deposed, that Azevedo, a resident of Pernambuco, appointed the late Master, Coelho, to the command of the said vessel; that witness believes the vessel to have been built at New York; that he was present when the vessel was captured; that he has heard the vessel was seized for having resisted and beaten off the man-of-war's boat; that she sailed under Portuguese colours, and had no others; that the vessel is at present called the "*Veloz*;" that formerly, when under American colours, she was called the "*Tobasco*;" that neither he nor any other of the officers or mariners, except the supercargo, had any interest in the vessel or her lading; that he has heard that the supercargo, João Baptista Cézar, had some interest in both, but does not know to what extent; that witness was First Mate on board; that, at the time of capture, there were two passengers on board, whose names witness does not recollect: one a Spaniard, put on board the "*Veloz*" with 22 others, in June last, by Her Majesty's schooner "*Dolphin*," the other a Portuguese seaman, who had been turned ashore in Benin from the "*Camoës*," and had been received to work his passage in the "*Veloz*;" that there was another person, Joaquim Pedro de Sa Faria (the first witness examined) who had been furnished with a Passport, but conducted himself, and was treated, as the first officer of the vessel in all respects, and whom he believes to have acted under the authority of Azevedo, before named; that the capturing vessel was first seen on the 18th of September last, as the "*Veloz*" was

going out of the Benin, on her way to Pernambuco, with a cargo of slaves; that, on the appearance of the man-of-war, the course of the "*Veloz*" was altered, and she stood back into the Benin, where the slaves were disembarked the same evening; that capture took place on the 23rd of the same month, whilst the "*Veloz*" was at anchor in the Benin; that no resistance was made at the time of capture, but that, on the 18th, the boat of the man-of-war was beaten off by the people under the authority of the Boatswain, and in opposition to that of the other officers; that he has heard that the vessel is the property of a number of persons, believes about 24, with whose names witness is unacquainted, but believes Azevedo is one of them, and that C  zar is also interested in the vessel; that both Azevedo and C  zar are Portuguese by birth, married to Brazilians, and are both resident at Pernambuco; that Azevedo is book-keeper to the mercantile house of Antonio da Silva and Co., of that city; that he believes, if the vessel be restored, she will belong to Azevedo and the other owners, with whose names witness is unacquainted; that he believes the same parties whom he has stated to be the owners of the vessel were also owners of the cargo; that the cargo shipped at Pernambuco was laden by Azevedo; that the slaves were laden by C  zar, who acted as consignee at Benin; that the slaves were to have been landed on the coast of Brazil, close to Pernambuco, on account of Azevedo and the other parties, whose names witness is unacquainted with.

Fourth Inclosure in No. 32.

Translation of certain Papers found on board the Portuguese Brig "Veloz."

No. 1.

Contract for the Establishment of a Commercial Company.

"We, the undersigned, have contracted and agreed to establish a Commercial Company, the conditions of which are as follows:—

1st. The order of all associations being to promote the interests as much as possible of all parties, it is also acknowledged that, to obtain this object, it is necessary to apply proper means, so that the interests of all may be in relation to the amount of funds. With this view, a Social Fund shall be forthwith established of eighty millions of reis currency of this realm, consisting of 20 members, each subscribing four millions of reis.

2nd. That, as it is necessary to have in all associations one common centre to direct all its operations, for its better and more regular management, the necessity of having a Treasurer in this place to take the lead is evident; therefore Joz   Francisco d'Azevedo Lisboa is elected by the general consent of the Members, Messieurs Joaquim Leocadio d'Oliveira Guimarens and Manoel Alves Guerra being joined with the aforesaid in all respects, for the purpose of consulting and deliberating on any measure that may be brought before them.

3rd. That this Society, having for its principal object speculation and maritime risks, it is at once considered desirable that proper vessels should be bought and built for the transport of cargoes and returns on account of the Company; it being unanimously agreed upon that, as soon as possible, a factory should be established at Benin, which at any future period may be removed to any other point that may be considered more advantageous to their interests; having there three agents to take the entire management of the business, investing one of them with superior authority to undertake the correspondence, and to follow the orders of the Treasurer here, the other two remaining responsible for the transactions which shall transpire there, not doubting but they will emanate from an unanimous concurrence; it being explicitly and imperatively declared that none of the agents shall leave the factory except in case of serious indisposition, when such party shall repair to this place in any of the Company's vessels that may have completed their cargoes, his pay ceasing from the date of leaving, which shall be given to the party performing his duty, having however the right to demand his nett amount of pay whenever the general balance of the Company may be ascertained.

4th. That the Treasurer, having the principal control of the Company's affairs, shall, in accordance with his associates before mentioned, be authorised to have the vessels built and effect the purchase of others and their cargoes, to appoint their destination, to employ and instruct the agents, promoting generally the interests of the Company; the Treasurer being required to keep regular accounts relative to this business; it being understood that nothing should be concealed, nor deliberated upon without the consent of the two associates, to whose inspection the accounts and documents relative thereto shall be open, whenever required.

5th. That the Treasurer taking the responsibility of the transactions of the Company, and the three agents exposing their lives in unhealthy climates, and undertaking duties in whatever part their residence may be, neither party shall enter with capital, but shall partake of the nett interests of the concern, which shall be divided into twenty-four equal parts; twenty for the contributing Members, and four for the Treasurer and the three agents; it being clearly understood that if any of the transactions yield a loss, and others a contrary result, the Treasurer and the three agents shall contribute their share towards such loss when the half-yearly accounts are made up; but when the losses exceed the profits, they shall not be required at any time to meet the same, it being understood that their laborious occupations entitle them to this consideration, granted by the unanimous consent of the Members.

6th. That although the Treasurer is the party who figures in the purchase of vessels, and in them represents the Proprietor, he has nevertheless no right to such vessels, nor any of the three agents, seeing that they have not contributed to the purchase of them, nor entered with any capital, in conformity with the foregoing article; the sole Proprietors being the contributing Members, who, moreover, incur immediate risk.

7th. That as it is impossible for the Treasurer to superintend all the operations, and assist at the disembarkation of the cargoes imported from the factory, he shall be at liberty to employ whomsoever he may deem fit, giving a preference to one of the Members, who shall receive remuneration for such service; the proceeds arising from these sales being entered in favour of the Treasurer and his two associates, the parties intrusted with the management, and who account for all the funds of the

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Company, proceeding regularly and in the most clear form to make a half-yearly balance, which shall be submitted to the Members generally, leaving the books and documents open for that purpose, and then proceed to divide the profits, it being at the same time established and provided that the capital of eighty millions of reis shall be preserved by the contributing Members; and in the event of the first speculation proving unsuccessful, the Members shall be obliged forthwith to come forward with a sum sufficient to make up the original capital; and should any Member refuse to comply, he shall only be exempted by a majority of Members; it being also declared that the Members generally shall not be responsible in their persons and property to lose more than the capital before stated, and that the Treasurer and his associates shall not have the power to employ the said capital in any other manner than that agreed upon.

8th. That all the expenses of disembarkation, payment of persons employed in the factory, (exclusive of the agents, who receive no more than their proportion of the profits), the general expenses of the said factory, including provisions, purchasing of books and utensils, the pay and support of clerks, and other expenses of every kind, shall be defrayed by the Company, accounts being rendered of the whole, with as ample proof as possible of their correctness.

9th. That the Treasurer and his associates, having authority to dispose of the funds as they may deem best for the interests of the Company, though they risk the Company's property, no responsibility shall attach to their persons or effects, in the event of any loss, total or partial, whether by capture or otherwise.

10th. That it being advisable to form this Company without delay, and commence operations, the Members shall be required to advance half their shares within the space of twenty days from the date of this contract, and the remainder whenever called for by the Treasurer. Those however who do not conform to these conditions will no longer be considered Members, but forfeit the capital with which they have entered, excepting in case of death, when the heirs shall not be so deprived.

11th. That in the event of the demise of any one of the Members, the Treasurer shall be required to show the heirs the state of the Company's affairs, and when the General Balance shall be struck, the said heirs shall be at liberty to remain as Members, subject always to the existing Regulations.

12th. That the interests of the Company being in common, each Member obliges himself to render to the Company mutual assistance without recompense, excepting in the case mentioned in Article 7.

13th. That the Members being desirous of obtaining the best possible result, have unanimously agreed that this Association shall not be of a shorter duration than three years, unless Treaties between nation and nation, or any other extraordinary occurrence, should render its dissolution necessary, with the concurrence of a majority of the Members; proceeding in such case, to a final liquidation of the Company's affairs, in such manner as the said majority shall see fit.

14th. That should experience prove that this Company ought to be reorganized, it may be altered wholly or in part, as may be deemed expedient by a majority of the Members; and also, when the said majority shall see fit, they may call a General Meeting of the Members as circumstances require.

15th. That this Society being formed of upright and honourable men, and being established in the best possible faith, it is only right to conclude that the Members generally will act in perfect unison, observing the necessary secrecy, and contributing as far as possible to the well being of the Society; and in case of compromise which may endanger the person or effects of any Member, one and all bind themselves to afford every possible assistance to extricate him from such difficulty; and for the validity of this contract, which shall possess all the strength and faith of the most solemn document, it shall be signed by the Members generally, and the entries being completed, it shall be duly registered in a book under the special charge of the Treasurer, to be afterwards laid before the said Members. A receipt for the amount of funds, signed by the Treasurer, shall possess the same validity as if it were entered at the foot hereof. It is mutually agreed to conform to all the conditions exacted herein. Dated at Pernambuco the 14th of December, 1836. In conformity the following are the signatures of the Members.

(Signed) JOSE FRANCISCO D'AZEVEDO LISBOA.

No. 2.

Instructions for the persons employed at the Factory to be established in the Benin River.

All establishments, however insignificant they may be, require an administrative regimen to regulate and guide all their operations. Acting upon these principles, the character of Treasurer of an important association points out to me the expediency of giving to the factory, which is about to be established at Benin, these necessary instructions.

It cannot be doubted that in an establishment, located at so great a distance, without the protection of authority or a civilised government, it can only be made respectable by the good and proper conduct of the agents, which I look upon as indispensably necessary, and that all the functionaries maintain the most perfect union, thereby rendering themselves respected, the agents by their uprightness, and the subordinates by their implicitly obeying all orders, to obtain which it is not necessary to assume an imperious style; each one knowing his place, complete order may easily be maintained. Although the natives do not possess the refined feelings of more enlightened nations, they have reasoning faculties; and from their intercourse with more civilised people, they immediately become sensible, if those residing among them are men of proper conduct, and capable of showing them good example and making themselves respected. The good example of superiors must always have a tendency to induce a similar line of conduct on the part of inferiors: it is therefore necessary to avoid all licentiousness, to be modest, to have no contentions with persons about the King, to be moderate and tractable, by no means to allow the people employed in the factory to get intoxicated, to respect the usages of the country, and, although I cannot interfere with the rights of conscience, it appears to me that the exercise of some external forms of religion would give a desirable moral tendency to the establishment. All nations, even the most barbarous, have some religion; and it is acknowledged that without it no people can be properly governed; this therefore must be observed among the people with whom you will be in immediate communication.

The principal gent, who is at present a M. Manoel Jozé Delgado, in the absence of M. João Baptista Cêzar, on his arrival at the port of destination should place himself in communication with Captain Antonio Gomes da Silva (the Master of the "*Camoës*"), who is going to establish a factory,

employing also the other two agents, should it be necessary, who shall jointly with him perform all duties; the two latter undertaking the correspondence and general accounts of the factory, the former not having the necessary information; therefore all the books shall be given up to them. As to the mode of transacting the business, it is necessary to adhere to the practice and usage of the country, and to see that those articles which have not already a fixed value are estimated at the highest possible prices. I deem it prudent that you should treat with civility all with whom you may have transactions, but not to place implicit confidence in them, attentively observing that no temptation may be put in their way; for should it be a person in authority, it would be better to submit to the loss than come to open rupture; and therefore to avoid such accidents, a strict attention and vigilance should be observed. It also appears to me, for purposes of trade, it is not necessary to introduce these parties into the interior of your stores, but that the different articles should be shown to them in a place for the purpose, whereby all opportunities for theft will be avoided.

The vigilance of the people employed as a guard is of essential importance, also that the establishment be in a state of security, and the same be maintained strictly. I also consider it proper that it be made known to the King and the authorities that the factory, being possessed with ample means, will at all times be furnished with the best tobacco and rum, and other requisite articles of trade, and that therefore the commerce should be exclusively with the said factory, not admitting any other vessel for the same trade; making a kind of treaty which shall be binding according to the laws in force at that place, moreover assuring the said King that, independent of the regular routine of business, occasional presents shall be made to him. Although the agents may not be acquainted with the practice of the trade of the country, I am convinced that it may be easily acquired, and that in a short time an active and advantageous trade may be carried on. I have, however, already said sufficient on this subject, and repeat my recommendation that the most perfect union be observed among all the agents, including the crew of the launch (who shall perform duty on shore), that strict moral conduct be maintained, and that they lead not a debauched life, as I have already mentioned that these are the only means whereby a moral and physical strength can be obtained, the establishment be respected, and security insured, by not placing it at any time in collision with the authorities.

Treating now of the plan necessary to regulate the external operations of the factory, I consider it indispensably necessary that a mast should be erected on the most elevated point discernible from the sea, to have there a code of signals which shall be also in use by the Company's vessels, in order to keep up a strict communication; the code shall be properly taken care of, and only be seen by the agents. It is the plan of the Company that, on the establishment being firmly fixed, the vessels which succeed the first shall not enter into the port, but take their cargo and provisions on board outside. Every vessel, however, in coming in sight of the port shall immediately make use of the signals, giving information whether they bring cargo, that the agents may be prepared to receive it by the launch, they making a signal from the land of the number of people ready for the ships, that preparations may be made to receive them; and the orders which the respective vessels may have shall be a guide to the agents as to the expediency of waiting for the completion of her cargo or proceeding with the number already provided; it being at once established that, in vessels carrying 300, the deficiency of 50 shall not delay her a moment; and it is also necessary that so soon as the vessel is seen, all the people ready shall be brought to the factory, or to any other point where they may be readily disposed of, and so collected at the factory to effect their immediate embarkation. I shall hereafter enlarge on the subject in letters which I shall have to address to the establishment, giving every necessary information for the better regulation of the affairs, pointing out the quantity of articles required at the factory according to the number of people it is necessary to bring in monthly or annually, attention being paid to those months of less active business, which are during the rainy season, as at such a period it will be necessary to diminish the deposits, in order to prevent the goods being injured. As a Launch will leave Bahia in company with the "*Camoës*," this vessel ought not to carry a larger crew than is absolutely necessary; as the people of the establishment, and also the crews of the Company's vessels, will render assistance whenever necessary for the vessels to go in or out of the port, as in some cases the agents may deem it expedient for them to cruize in the neighbourhood of the port, or to proceed to any other destination which may be pointed out from hence.

The inferiors are in every respect subject to the orders of the agents, that is, of the principal: as although there ought to be an unanimous feeling and understanding, and nothing should be decided on, without the perfect concurrence of all the agents, it becomes absolutely necessary that the former should distribute the orders, and either himself, or the other two, see them put into execution; it being understood that all the agents possess an equality among themselves, and are superior to the others of the establishment; but it is, at the same time necessary, that the orders emanate from the principal as the centre of order.

Among the number of people, there are two coopers, one carpenter, one cook, a barber, and a bleeder, and others available in their different avocations when necessary, besides which, they can be employed in any other manner by the establishment, and also to assist in the launch, in case of emergency, which vessel should have its rudder on shore when not required to go to sea.

The said people employed receive monthly 25 milreis paid in goods, at the prices at which they are sold at the factory, as may be agreed upon between the agents and themselves; and out of their wages they may be allowed to purchase and send away only one person in each vessel, in conformity with the Agreement I have made with them, copy of which is sent herewith.

Every person employed, who shall not conduct himself in a proper manner, shall be immediately dismissed, his wages ceasing from that date, and he shall be sent back by the first Company's vessel, and should he have a person on board capable of taking his place, he shall be admitted with the consent of the Captain, if the agents consider it indispensably necessary, and the man is willing. The period of engagement is for one year or more, provided their health admits of it. Should they contract any disease, they shall be sent back in the Company's vessels, and treated with proper care.

The factory will be furnished with every requisite at the expense of the Company; and the principal agent intrusted with the correspondence, will inform me of what may be required, so that it may be sent without delay.

A vigilant eye ought to be kept day and night on the people, the goods, the vessels containing the liquids; and the house, which is about to be built of wood, will have all the necessary capacity and security for the reception of dry goods and such other articles as are liable to suffer from humidity. It is also necessary to remark that, as there are other foreign establishments in that port, it is most

desirable that a good feeling be maintained towards their Agents, which object will be easily attained, in consequence of the necessity of a reciprocal feeling among the whites, by which a greater force may be constituted. Nevertheless, the object of this establishment ought by no means to be communicated to these foreigners, and especially they ought to know nothing of the Code of Signals, (not even the subordinates of the establishment;) and when, by experience, they become acquainted with its object, it must be maintained that it is a trade from the Havana, never allowing them to see the despatches which may undeceive. The contract with the Company, copy of which you have herewith, expressly declares the interests which the agents have in the concern; and the two sub-agents, Vianna and Coimbra, share between them the portion of one agent, until circumstances occur to place them on a footing with a full agent, in conformity with the said Treaty. If, notwithstanding the wish of the Company to have the trade exclusively their own, any other vessel should go to the port that may be desirous of using the small vessels of the factory for the embarkation of their cargoes, they shall be obliged to deliver to the establishment thirty picked people, no other mode of payment being admissible; and if the contrary be practised, the agents shall be responsible in their own interests, in so far as the Company may think proper; and the Captain will incur the same penalty, who, without the order of the principal agent, shall employ the people of the factory.

N.B.—The haste with which these instructions have been written, may possibly have led to the omission of many things essential; therefore, what may not occur to me at the present moment shall form an additional instruction, which shall be equally as valid as this present one, and equally as binding as though it had been signed by the agents generally. The zeal which I expect to find in the said agents supereding the necessity of entering into minutiae, which practice alone can establish; and the agents are therefore authorized to alter any part of these instructions which refer to the mode of trading, and any unforeseen circumstances; but by no means to swerve from the essential meaning of the said instructions, nor under any pretext to deviate from orders which shall be transmitted from hence. I further declare, that it appears expedient that the vessels which shall not be ready to receive on board their cargoes as soon as they are discharged, and having sufficient ballast to proceed to sea with safety, shall leave the port and cruise at a convenient distance, always to windward, so that without the least difficulty they may take on board the cargo on the day appointed by the agents, which must necessarily be the case with the "*Camoës*" and "*Tabasco*" ("*Veloz*,") on their present voyage; and I therefore recommend the greater caution in this respect.

February 3rd, 1837.

P. S. In the factory you should never sell on credit even articles on the smallest value; as, besides losing what you trust, it justifies others in expecting the same favour; and when they do not pay, it obliges the factory to have recourse to unpleasant measures; it is therefore expressly ordered that no credit be given.

(Signed)

JOZE' FRANCISCO D' AZEVEDO LISBOA.

No. 3.

Letter of Instructions for the Agents proceeding to Benin via Bahia.

To Señor Manoel José Delgado; in his absence, to Señor Antonio Fex Vianna.

FRIEND AND SIR,

Pernambuco, February 5th, 1837.

IN the Portuguese brig "*Camoës*" you will proceed to Benin, by way of Bahia, where on your arrival, you will immediately proceed on shore in company with the captain, repairing to the house of Duarte and Warren, who are the consignees of the brig, acquainting them that, in conformity with my orders, you are desirous of meeting with as much expedition as possible, which object you will further as much as you can. Messrs. Duarte and Warren, have already orders for the purchase of a launch between 2600, and 3000 arrobes burthen, which if not yet effected, you will be consulted thereon. The launch ought to be coppered, and not to draw six feet of water. In the purchase of rum and goods you will consult with these gentlemen, and also with the captain, who is perfectly acquainted with the trade of your port of destination. In Bahia also you will consult with the same gentleman in the purchase of provisions and other articles for the expenditure and use of the establishment; and although I am desirous that the greatest economy be observed, I do not wish that any thing should be wanting, being of opinion with my colleagues that you ought to enjoy every possible comfort and convenience were it only for the preservation of your health, whereby you will be better able to devote your time to the interests of the establishment, in which you also participate.

On board the brig there are two coopers, one cook, a barber, a bleeder, and one servant, at 25 milreis each per month, payable at Benin in goods, at the factory price, they being allowed in each of the Company's vessels one head free of freight, as declared in the instructions; and I must inform you that I advance to the cook 25 milreis, to the cooper (Cunha) 25 milreis, and to the cooper (Ferrara) 50 milreis from the 1st of the present month, and you will advance in Bahia no more to these people or to any other person on board, including the captain, pilot, and mate. I annex a copy of a letter to the captain, and as it embraces all the necessary directions, I need not repeat them, as the instructions will make you perfectly acquainted with the measures to be pursued, and it is necessary I should be furnished with every information from thence for my government. Until the arrival of M. Cézar, you will assume the character of principal agent; and as you do not write legibly, you will employ in the office the sub-agents, Coimbra and Vianna, not only in the correspondence which must be signed by yourself, but also in the account books which I deliver to you, three in number, and two small memorandum books, for the immediate entry of any transaction which will be afterwards copied into these account books. The orders of the captain on his return must be observed, as I have already pointed out in my letter to him; and you will see that the water and provisions are in a proper state, and more than sufficient for the voyage. The business will be established by the captain, you having the control, and the sub-agents being employed in the most advantageous manner, you remaining at the most important station with the funds for the better security thereof; the coopers and carpenters that you take from Bahia and also the crew of the launch will be employed altogether at the factory, either in their callings, or to keep watch, to work in the store, or to go to Gotto; in short, to render every assistance wherever their services can be made available; and you will give positive instructions that the

captains do not admit on board their vessels any of these persons, except in cases of serious illness, (as I am not barbarous) and when you will give orders that they may be received on board. It was not my wish that the medicine chest did not come ashore, but it shall follow shortly in the "*Tabasco*," "*Veloz*" and in case of necessity, the one which belongs to the brig may always be used, it being amply provided.

In Bahia, besides a large trunk, you ought to obtain two chests, with secure locks, to keep the dry goods in; and if not to be procured, to take wood and materials, in order that the carpenter may make them. I deliver to you herewith a code of signals, to be taken the greatest care of, to be only seen by yourself and the other agents, concealing it from the subordinates, and more especially from foreigners. I also furnish you with the original *true* instructions, a copy of which, signed by yourself and the sub-agents, remains in my hands; and the *false* instructions, to be presented in case of meeting a vessel at sea, or being required to show them ashore. Anything that may not have occurred to me will be supplied by your zeal; and I am confident that you will not abuse the confidence I repose in you, nor compromise me with my colleagues, to whom I was the cause of your introduction.

Good harmony at sea and on shore, with the fulfilment of my instructions, is what I principally desire; and in wishing you a prosperous voyage and health,

I am, &c.

(Signed) JOSE FRANCISCO D'AZEVEDO LISBOA.

P.S.—Write me immediately on your arrival at Bahia, during your stay there, and on your departure. In the hands of the Captain there are two satin dresses, which in Bahia you will have converted into two cloaks, to be presented to the King and Prince at Benin.

No. 4.

Letter containing further Instructions to the Agents of the Company.

To Señor Manoel José Delgado; in his absence to Señor Antonio Fez Vianna.

FRIEND AND SIR,

Pernambuco, 20th February, 1837.

I CONFIRM what I personally delivered to you under date of the 5th instant; and without any information of your arrival in Bahia, I am informed, by a letter of the 31st ultimo, that the tobacco was in preparation, and consequently you will meet with very little delay. Enclosed is a copy of the letter which I address by this opportunity to the Captain, respecting the course he ought to pursue, the destination to follow on leaving Benin, and my opinion as to the "*Camoës*" going into port, as I am afraid she will not be able to get out, although only with sufficient ballast for her safety. I recommend harmony and prudence as the only means of avoiding danger, and the absence of all pride, caprice, or opposition. By the "*Tobasco*" ("*Veloz*"), whose time of sailing will depend on the movements of the "*Camoës*," I shall send you some vaccinating matter in the medicine-chest, as I am informed that the place to which you are destined is subject to the small-pox. I mentioned, and again repeat, that the pipes, so soon as empty, shall be cut and prepared for water, thereby preventing a scarcity; and if it be necessary, on the return of the vessel, they can be thrown overboard; and by the "*Tobasco*" ("*Veloz*") I will send iron-hoops, nails, &c.; also the filtering-stones, the coppers for the shore: those on board the "*Camoës*" must, in the mean time, be made use of. I recommend the greatest possible despatch; and make my respects to Vianna, Barrato, and the other agents, and tell them they have my particular esteem, the continuance of which will depend on their future conduct.

I am, &c.

(Signed) JOSE FRANCISCO D'AZEVEDO LISBOA.

No. 5.

Inclosure in the last Letter, being Copy of a Letter of Instructions to the Captain of the "Camoës."

To Captain Antonio Gomes da Silva.

Pernambuco, 20th February, 1837.

THIS is the copy of the Letter of Instructions which I handed to you, and I now confirm its contents. On your arrival at the point of destination, you will be guided wholly by them; but most likely it will be necessary to have another place of disembarkation at the Bar of Serenhaem; consequently from Unna you will use the greatest care, and place yourself under shelter of the Island of St. Aleixo, which I am informed offers a good anchorage: I shall be there on the look out. I hope you will take the greatest care of the tender, as she is so necessary for unloading the "*Camoës*," having decided that her cargo shall be discharged outside, and afterwards sail to and fro till a day mutually agreed upon for her return, being informed that she runs great risk in going inside. On your return here, you must run the coast down until you clear Fernando Po; that is, when you have no favourable wind to proceed on a direct course, though it will prolong the voyage, it will be much safer; and in that case care must be taken that provisions and water are regulated accordingly.

(Signed) JOSE FRANCISCO D'AZEVEDO LISBOA.

No. 6.

Form of Protest to be made by the Company's Ships on returning empty to Port.

THIS is a copy or form of protest which the captains of vessels are required to have by them.

This form of protest was made on board the Portuguese schooner —————

Be it known to all to whom this protest may come, that in the year of our Lord Jesus Christ 1837, of _____ in the same year, in latitude _____ I called after the crew, officers, and passengers (if there are passengers) to witness the substance of this protest, and to vouch for the truth of its having been executed on board the said schooner as declared below. Having left the port

of Nova Redondo on the morning of the day at such an hour, I kept such a course to clear the coast, and to prosecute my voyage to my place of destination, the port of Pernambuco, but on the afternoon of such a day after taking the sun, I observed a vessel coming up with us on the same course, apparently chasing us. Not understanding this, I immediately made all sail, but finding that she was superior to us in sailing, it was useless attempting to get away. At four o'clock we were within range of her long gun; seeing this, I laid to, and saw she was a square-rigged brig, armed with six carronades aside, two stern chasers, and one long gun on a swivel, with a numerous crew, and so soon as she came within speaking trumpet distance, I was ordered to send my boat on board, which I did, with the mate and six men. Half an hour had not elapsed before a large launch shoved off from her with 25 men, 20 of whom were armed with muskets, pistols, and cutlasses. When she came alongside, I was ordered to open the hatches, and part of them went below, and sent some of my crew down also, leaving others to erect a derrick on deck, to hoist out the goods, at the same time beating the crew if they hesitated to work; and after loading the two long boats (theirs and the schooner's), three times, they emptied the whole cargo, consisting of 224 lumps of wax, 58 teeth of ivory, 84 casks of gum copal, 64 barrels of nut oil, and 682 bundles of mats. At the same time they stove in several casks of water, leaving us only 10; and when I expostulated with them, and told them that we should not have sufficient ballast for the schooner, he answered in a sarcastic way, that I must do my best; that I did not require to make sail in chase with the said schooner; that her cargo was not enough for his vessel, which would go in search of other Portuguese who had cargoes fit for the port of Havana. After seizing every thing useful, they finished by taking the sheep and provisions, tearing up all letters and documents, and nothing but my imploring them saved the register from the same fate. They cautioned us that if we met with any vessel (particularly of war) within three days, we were not to inform them of the course they had taken; should we do so, we would, either in this voyage or the next, pay for it with our lives, as he purposed keeping on this coast, merely running into Havana to discharge his cargoes. With this he set sail, steering such a course. From what I saw of the crew, there must have been about 60 of all nations, but the language spoken was Spanish, and I concluded she was a regular pirate. By this act the whole of the cargo is lost to the owners, and I do hereby protest against the owners of the said piratical vessel, against her insurance, and also whatever persons may have a part therein, and have directly or indirectly any interest in her; by this means securing to the owners of the vessel the value of their vessel's cargo; and in this I have consulted with the undersigned, and drawn out the same in their presence, so that this solemn protest may be ratified in conformity to the law.

——— Captain ——— Pilot ——— Boatswain ——— Passengers, and Sailors.

N.B. This protest ought to be made some distance from your destination, where you must state that you fell in with the pirate, observing to date your Protest within 24 hours after the piracy. State the name of the vessel in the blank space. The schooner "*Andorinha's*" last Protest was made agreeable to this.

No. 7.

Further Instructions to the Agents of the Company whilst remaining at Bahia.

To M. Manoel Jozé Delgado.

FRIEND AND SIR,

Pernambuco, March 2, 1837.

I confirm what I addressed to you under date of the 20th ultimo, and have now to acknowledge your esteemed favour of the 13th ultimo. I was very happy to hear of the favourable passage of the "*Camoës*," and the perfect good feeling that existed on board, which I trust will continue, being of vital importance to the well being of such an undertaking. I am also happy to hear that the cargo was ready; but regret that so many difficulties presented themselves in the purchase of the launch, which I hope to see overcome, knowing the energy of Mr. Duarte, to whom I wish you and the Captain Silva, to give assistance; and as the launch, for the price that has been paid for it, will have sufficient capacity, it is my positive wish that the "*Camoës*" be not exposed to the risk of going in and out of the river Benin, being informed that her loss will be inevitable, as that place they have no arsenal where she may undergo the necessary repair, consequently exposing the speculation to a total loss, as the negroes invariably plunder all the property that is wrecked. For this reason, in my general instructions to the factory, I have on several occasions repeated that it is necessary to conciliate the natives by every possible means. I also recommend to you every precaution in the transit of the launch in and out of the river, not trusting too small a draft of water, and this ought not to be left to the sole management of the crew of the launch, but under the immediate inspection of the agents, particularly yourself, who have nautical experience. I informed you that, in the purchase of provisions, &c., for the factory, the greatest economy should be observed, as it must be understood that you will be furnished from hence with provisions in the Company's vessels, and that you can procure fowls, oxen, yams, fish, &c., and not to burthen the establishment with superfluous expenses. The passport of the brig "*Veloz*" arrived on Monday, and she ought to sail from this forty or fifty days after the departure of the "*Camoës*" from Bahia. Cruz has told me nothing about Martins. To-day I shall call upon him, but am afraid nothing will be arranged, and I already know that Martins is proceeding to Assú. I am desirous for the preservation of harmony and good order, and am with pure affection,

Yours, &c.,

(Signed) JOZE FRANCISCO D'AZEVEDO LISBOA.

P.S. Tell the Captain I cannot write to him for want of time, and that he must seriously consider what I mentioned respecting the entry of the "*Camoës*" into the river, which was a positive order, and must be obeyed, as though given to him personally.

No. 8.

Letters of Instructions for the Portuguese Brig, "Veloz."

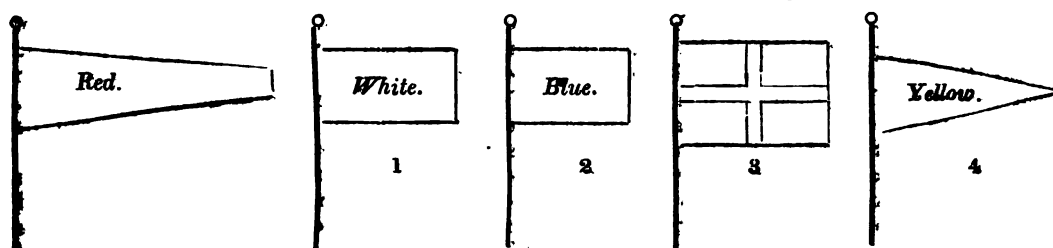
Captain Joaquim Pedro de Sà Faria; in his absence, to the Mate, Francisco Paulo de Medina.

Pernambuco, April 28, 1837.

THE Captain of the Portuguese brig, "*Veloz*," Joaquim Antonio Coelho, will proceed to the

ber of Benin on wages for the voyage, viz., in the event of arriving in safety 3000 milreis; and 1000 as a bonus, whether he arrives or not in safety. He has already received on account the sum of 400 milreis, and 200 will be paid on his account, to M. Joaquim Leocadio de Oliveira Guimariens. I expect that during your voyage you will maintain good order and unanimity; and so soon as you arrive, you will hoist the signal, which is a blue flag at the main-top-gallant-mast-head, to communicate with the factory on shore. You will either go in, or discharge your cargo into the schooner, as may be determined by the agents on shore. You will see to the draft of water, and how much there is on the bar. All these circumstances must have your serious consideration; your movements will altogether depend on the agents at the factory; they will instruct you as to whether it is advisable to cruize off and on, or far out, always taking care to run to windward, so as to make your port on a day mutually agreed upon. During your absence, you will have good lookers-out at the mast-heads; and on espying a sail, you will use your utmost endeavour to run from her. If it should be necessary, you will loosen the iron-knees which bind the beams, and cut away the stanchions, or any thing else that may tend to impede her speed. Kind treatment towards the people, and cleanliness, are most essential. You must impress this on those about you. Experience has taught me that such speculations, though apparently auspicious, have proved the reverse, from this line of conduct not being adopted. As on your return the winds are frequently from the southward, it will be better for you to make the port of Calvo, hoisting at the foretop-gallant-mast-head a white flag; and as your object is to effect the disembarkation at Sevenhaem, which is your appointed place, or close by, you must be prepared to receive on board a canoe or catamaran, which will exhibit a white handkerchief; you will also give her the signal, and by her you will receive my orders. It is necessary to advise you that, on getting close to the shore, vessels, or boats, you must have all your people below, and use every means to conceal the business on which you are engaged. I wish the same caution to be used on your outward-bound voyage, to run clear of all vessels, should it even take you off your course; and finding yourself unable to get away, you will then throw the irons overboard, for which purpose you must always have them at hand, to prevent unnecessary trouble; and *although the boilers are included in the Custom-house clearance for making oil*, it will be as well if they are out of sight. Your own long experience, and the zeal you have always shewn on all occasions, will, I feel confident, dictate to you a proper line of conduct under all circumstances. On your arrival, you will derive much assistance and advice from M. C  zar. Wishing you all health and a fortunate voyage, and remember me to all, &c.

I am, &c.



13. News on board. This signal with a horn *above* signifying disturbance on board among the crew, and *below*, that the vessel is leaky. The signal for the place of disembarkation, is a blue flag at the maintop-gallant-mast-head, and white at the foretop-gallant-mast-head, with the top-gallant-sail furled.

No. 9.

General Instructions to the principal Agent of the Company, Passenger on board the Brig "Veloz" bound to Benin.

To M. Joao Baptista C  zar; in his absence Messrs. Manoel Jos   Delgado, Joaquim Gomez Coimbra, and Antonio Fez Vianna.

FRIEND AND SIR,

Pernambuco, April 28th. 1887.

IN the capacity of principal agent you will proceed to Benin, in the Portuguese brig "*Veloz*," being already acquainted that a factory has been established at that place under the charge of the second agent, Manoel Jos   Delgado, and the third agent, Antonio Fez Vianna, which was formed by the Captain of the brig "*Camo  s*," he having a personal knowledge of that port. It is therefore to be presumed that the said factory is already in operation; but if it can be benefited by experience, you will use every means to attain this object; as the character which attaches to the principal agent will give you every facility, it being at the same time advisable to consult with the other Agents for the better regulation of affairs. The said brig "*Camo  s*" has received orders not to sail until the arrival of the "*Veloz*;" and such being the case, you will despatch her as quick as possible for the same place as the "*Veloz*;" according to the letter addressed to Joaquim Pedro, copy of which (see former letter) I send you for your final guidance on this head. It is reasonable to suppose that the cargo of the "*Veloz*;" will be ready or nearly so; in which case she need meet with no delay, and on her arrival there, and making the signal, and receiving directions from the shore, you will decide whether it is better to go in or to discharge her cargo into the tender, and whether she ought to cruize outside or remain inside for a few days, attention being paid to the tides. Prudence and experience in these points are always requisite to obtain a good result. I am not aware if Captain Antonio Gomez da Silva has conducted himself properly; but as there was a misunderstanding at Bahia between him and Delgado, it may be necessary to ascertain whether the evil has increased; and if the bad conduct of the said Captain should in any way endanger the speculation, that he be then removed from the command, and Medina (first mate of the "*Veloz*;" appointed in his stead; but it will be necessary to consider the matter, and see if the people are in his favour, in which case it will be advisable to conciliate the parties in the best manner possible, as a contrary line of conduct will only aggravate an evil which it is better to avoid. What I have mentioned respecting the Captain of the "*Camo  s*;" may apply to any other officer in the different vessels, and even to all that may be employed in the

factory who shall conduct themselves improperly, and such parties shall be immediately dismissed from the factory. It may be well to inform you, that there are being built at Oporto two schooners, one of 67, and the other of 53 feet of keel; and it is probable they may arrive between the end of July and middle of August, making themselves known by the private signals of which you have a copy; and besides these, all the Company's vessels will have a white flag at the fore, and the sail immediately below it furled, observing the same mode on their return when approaching their port. If the schooner belonging to Eugidio should meet with quicker despatch than the other, I shall be very much gratified, provided it does not retard the loading of the other vessels, and the Captains assenting thereto, in which there will not be much difficulty. By these explanations you will see the necessity of expediting the general business of the factory; and by the annexed calculation, it is shown that for this object there are sufficient funds, it being presumed the goods will realise an equivalent to the tobacco and rum; and as I am informed they show a much better result, I expect that this difference may be set against the pay of the agents and the provisions of the country, &c. Treating now of provisions, you were a witness that no exact account of those supplied to the "*Camoës*" could be taken, only the gross amount, 702 milreis. It being impossible to form an opinion of what was required, I therefore give you authority to purchase what you considered necessary, preferring such articles as were least perishable; and I recommend that the factory make use of the provisions of the country when plentiful, adopting proper measures for their preservation: and as the negroes are partial to yams, it is desired that their principle food consist of this vegetable. I annex herewith a copy of the instructions which were taken by the second agent, Mr. Delgado. By these, as I subsequently remarked, you must be guided; and I am convinced that you will receive this letter as part of your instructions, and use all your energy, zeal, and prudence, in directing the affairs intrusted to you, in the conviction that the only means of rendering an establishment prosperous and respectable is an observance of the most perfect union and harmony; and whoever shall disturb it, thereby prejudicing the interests of the factory, you have only to put the party so offending into the first Company's vessel, which can be easily accomplished with the assistance of the said vessels.

I also annex a copy of the invoices from Bahia, by the "*Camoës*," the originals of which go by the "*Veloz*," including under the centre column the value of 850 packages of tobacco, shipped from thence, and which you reported to be of the best quality, an entry of the whole being made, in order that an exact account be kept, distinguishing the cargoes of different vessels each voyage. In the number of pipes of rum is included one of a superior kind, which appears to be No. 98, and which ought to be made use of as a liquor. I suppose that the said cargo is composed of saleable articles, and you will point out what is most in demand and offers the best profits, specifying the quantity of each article. It appears to me desirable that in the purchase of bales, ("*fardos*," the term applied to slaves), the price of the cloths should be affixed, with a view to my making my calculations with greater accuracy. I am not aware whether the mate of the launch will be able to go to St. Thomas'. It appears to me that if on any occasion the provisions of the factory should run out, they can be procured there with a few goods and some tobacco, a sub-agent being sent for that purpose.

As to the selection of the people, I wish it to be as choice as possible, not rejecting the women with full breasts, but only the old negroes who have already been offered for sale in several markets and rejected. You are acquainted with the taste of the country in this respect, and that people from the age of 12 to 20 are the most valuable. I have already mentioned, and again repeat, the necessity of forming an exclusive trade with the port, which may perhaps be accomplished. Should it not succeed, and any other vessel going there be desirous of using the launch for the embarkation of her cargo, such vessel shall, in conformity with the instructions, pay thirty slaves. I also consider it expedient that the factory should purchase gold, ivory, and good coast cloths, which latter article some of the partners are desirous of obtaining for domestic purposes. I wish much that you would make some experiment in the production of beans and other vegetables; and it would be also desirable to pay attention to the bitter cassada, for which purpose I will send you a complete apparatus for making the bread, the process of which you are acquainted with.

Should the telegraph be at a distance, it ought to have two men comfortably lodged; but if near to the factory, it ought to be visited occasionally.

If the caulker who is on board the vessel gives satisfaction, I wish that he may be taken into the factory, and for this purpose I have purchased all the necessary tools, as I consider he may be useful in any repairs required in the tender, which it would be advisable not to expose on the bar of the river, being aware of the small depth of water.

I am not aware if anything has escaped me; but your good sense will readily replace the deficiency. I wish you health, and hope you will attend to the climate to which you are going; and I am, &c.

(Signed) JOZE FRANCISCO D'AZEVEDO LISBOA.

P.S.—See if the gum copal is to be procured in your neighbourhood or the interior, and Urzola; this drug is a species of moss growing on stones, as you will perceive by the sample herewith.

No. 10.

Letter from the Captain of the brig "Velos" to the Treasurer of the Company reporting his Arrival at Benin, and the Occurrences on the Voyage.

M. JOZE FRANCISCO D'AZEVEDO LISBOA,

Benin, June 7th, 1837.

It is my duty to make you acquainted with our arrival at this port on the 6th instant, after a passage of thirty-seven days, which might have been done in less time, but never having been here before, it required the greater caution, from the various settings of the currents occasioned by the number of rivers on this part of the coast, which are always stronger during the rains. Throughout the passage nothing important occurred; little else but calms and contrary winds. We were boarded by an English brigantine of war, who made us receive 19 Spaniards, lately belonging to a Spanish schooner captured by them under Portuguese colours. Not knowing the character of these men, we were under the necessity of keeping a good watch. We arrived very soon after this. I regret to say that the boatswain is not a character suited to this trade; he is very quarrelsome and mutinous. I feel confident that we should have had a disturbance on board, had I not taken the necessary precautions, and that we should have been obliged to return to Pernambuco. M. Cézar is well acquainted

with our mishaps. I was much depressed in spirits in consequence. I am delighted to see M. Cezar's ready mode of doing business. He tells me that I shall meet with quick despatch, but there are yet some difficulties. The brig is a strong vessel but not quick. I would say more about her and other things, but time will not admit; and I hope in your good fortune you will not forget what you promised me,—the advance for the support of my poor sisters. I wish you health and very good fortune.

I am, &c.
(Signed) JOAQUIM PEDRO DE SA FARIA.

No. 11.

Letter from the Captain of the "Veloz" to a Friend at Pernambuco, relative to the Prospects of the Company.

M. J. S. Oliveira Guimariens.

FRIEND,

Benin, June 7th, 1837.

I HAVE the pleasure to inform you of my arrival at this place, where I anchored after 37 days' passage. I have had much trouble in keeping things in good order, which it appeared almost impossible to effect at first. Nothing occurred during our voyage, further than being boarded by a man-of-war brig, who put on board of us 19 Spaniards to be landed; they belonged to a Spanish schooner carrying Portuguese colours, which the brig had captured. These men still remain with us. Oh, my friend, I am very melancholy from the manner in which I see things going on. I know not when we shall meet. Should I ever return you shall know all. There is one thing that gives me confidence, the knowledge that M. Lisboa has the management, and is conducting the affairs of the Company. To-day the tender goes to Princes' to call the "*Camoës*." God's will be done! As to the things you delivered me, I am afraid they will not sell. My friend, do not forget my sisters, and to arrange with M. Azevedo to advance for their support; as for the rest, I leave it to God to do as he pleases. I enclose a letter for my sisters, which you will oblige me by forwarding the first opportunity. Farewell, my dear Friend, until God pleases that we may embrace. Remember me to Donna Maria, M. Bernardo, M. Joaquim, and M. Francisco, and all their families. Adieu, &c.

(Signed) JOAQUIM PEDRO DE SA FARIA.

No. 12.

Letter from the Principal Agent at Benin to the Captain of the "Veloz."

To Captain Joaquim Pedro de Sa Faria; and, in his absence, to M. Joaquim Gomez Coimbra.

FRIEND AND SIR,

Bobim, July 25th, 1837.

THE motives which compel me to leave this in the tender "*Especulador*," for Princes, you are already acquainted with; I need not, therefore, repeat them, as no one is better acquainted than yourself with all that has occurred, having been an eye-witness. As my time and hasty voyage do not permit me entering into explanations, I have only to recommend to your notice what may be most essential, as I am very certain that if, during my absence, you should require advice on any subject, your good sense will supply my deficiency, for which, however, I shall make myself responsible to the partners in Pernambuco; and it will be the same as though I had myself acted in every respect. You have in the factory on shore 87 slaves, which belong to the cargo of this vessel, who are to be supplied with everything necessary for their support, partly with the provisions on board, and partly with what may be exchanged for any of the goods (an inventory of which I leave in your hands, to see if any are missing of those I sent to purchase at Gotto), at the same time that they are properly treated by a person whom you must send on shore, more particularly for the care of wounds, &c., as it is necessary they should be examined daily, in consequence of the neglect of those to whom they were intrusted, until the recovery of M. Bastos, whose duty it is to have charge of them. The object of my voyage to Princes' is to order to this port the brig "*Camoës*," and, as it is possible I may not find her there, she must come to anchor in this port, and her Captain, Antonio Gomez da Silva, shall take no steps until my return, except in the purchase of such goods as shall be necessary for the business with which the Captain is so well acquainted; and for this purpose I enclose a letter to him, to be delivered on his arrival, when the two little negroes shall be sent on board where they are to remain. It is necessary to remark that Prince Jalie is debtor to this cargo 100 rolls of tobacco and six pipes of rum; the King of Oery 200 rolls tobacco, and goods amounting to 33 slaves; and the Queen 101 rolls tobacco, 30 pieces of goods, and six pipes of rum; and should any of these parties come on board, you will inform them that I am gone to Princes', to order to this port the brig "*Camoës*," and should they wish to give you any people on account of what they owe, you are at liberty to receive them. M. Delgado is at Gotto; and not knowing what arrangements he has made either for the purchase of slaves or provisions (as I have already informed you), it will be necessary to consult with M. Coimbra as to what is advisable to be done, informing him of everything that occurs. It will be well to proceed in making preparations for the slaves, such as wood, water, &c., and everything else to expedite the business. I also leave in your hands a copy of the Letter of Instructions given by the treasurer at Pernambuco. In the event of anything occurring to me on the voyage (which God forbid!), your good sense will supply any deficiency on my part; and, wishing you health and happiness, I am, &c.

(Signed) JOAO BAPTISTA CEZAR.

Goods which I delivered over, on board.

7 pieces of muslin,
17½ pieces of muslin,
23½ pieces of chilloes,
1 piece of chilloes,
10 pieces of handkerchiefs,
10 pieces of handkerchiefs.

CLASS A.

I

P.S. I don't mention the tobacco and rum, which are still in the hold, as it is all under your care; and only remind you that there are some rolls of tobacco in the factory (the quantity I cannot exactly say), 1 box of hats, and nothing more.

No. 13.

Letter from the Captain of the "Camoes" to the Captain of the "Veloz" reporting his Arrival at Benin from Princes' Island.

To Captain Joaquim Pedro.

IN the first place I wish you health; I beg to acquaint you that I arrived after a passage of two days, and came in to-day in the English schooner, the Captain of which begs the loan of your boat, with two Kroomen, until to-morrow, as he wishes to go on board the brig when the tide suits early in the morning, for which he asks this favour.

I am, &c.
(Signed) ANTONIO GOMEZ DA SILVA.

No. 14.

Report from the Principal Agent in Benin on the State and Proceedings of the Company's Factories established in that River.

To Señor Francisco de Azevedo Lisboa.

Princes', August 4th, 1837.

IN my letter of the 8th of June, which I wrote you from Benin, I informed you of all that occurred during the voyage, till we arrived in safety at that port, the state in which I found it, and the occurrences within a few hours of our anchoring; what had transpired relative to the establishment, the conduct of the Captain of the "*Camoes*," and my determination as to the departure of the "*Especulador*" tender to Princes' Island, on the information furnished me by M. Delgado respecting the said Captain, concerning whom I have much to say. I have here the documents which were sent to me by Vianna, and which will be submitted to you. The sudden departure of the vessel which conveys this, under cover to Mr. Duarte, does not afford me time to say all I could wish on various subjects, although I have just been informed by Vianna that he has already made you acquainted with them by the smack; I shall therefore confine myself to a few essential points, if time will allow. Wishing to proceed to Princes' immediately on my arrival, I made M. J. P. Coimbra and M. Delago acquainted with my intentions, but they dissuaded me from it, and recommended me to stay and commence with the business of the establishment. I then ordered the tender to start for this, with Captain Martins on board, to whom I delivered a letter of instructions requiring him to return to Benin as soon as possible, and another for the Captain of the "*Camoes*," expressing my surprise at his going to Princes' under the pretext, as Delgado informed me, of getting water, and to procure wood for making yards, as, having 2 carpenters on board, he could readily have furnished himself with both at Benin, having a practical knowledge of that port, where he could easily have procured necessary wood, as I know and saw on my visit to the river Oery; thus neglecting to fulfil the orders he had received respecting the establishment. M. Delgado remains stationed there, without in any way forwarding the object in view, seeing that the carpenters and coopers are on board, as also the planks, &c., for the erection of the house. With respect to his letter on this subject, I here enclose it to you, in his own handwriting, without signature, received on the 28th June, having by me at that time 130 slaves on shore at the factory, in a thatched house which I had rebuilt, where was Claudio, captain of the schooner belonging to M. Guerra; and there are now 203 slaves without proper accommodation, not even a tub to eat out of, and without any one to assist me. These motives, the delay of the brig, the imprisonment of the Captain, (which he concealed from me in his letter, but I heard it from Vianna,) the illness of Coimbra and Bastos, the stay of Delgado at Gotto, 8 sailors of the brig sick, and 3 in the tender, the great expense of the slaves at this time of scarcity of yams, and the miserable accommodation on shore for them, determined me to depart immediately in the tender, with the Pilot Medina, for this. Vianna says he has already made you acquainted with all particulars. I have ordered the brig to Benin, for which place I proceed to-morrow (having been delayed five days to procure farinha and yams) to confront that scoundrel, who is not worthy a better name: from thence I will write more fully touching the factory. I found this establishment very well arranged. I purpose erecting a good house in a proper situation, having the materials and the express permission of the King and Queen, and that, if necessary, the huts of the natives shall be pulled down for the purpose; but it is desirable that it should continue as at present until the goods are properly assorted, in the same manner as those of the English residents, who on my arrival paid me the compliment of visiting me on board. I have since returned it, with Pilot Medina as my interpreter, and the King came in person, in company with the King of Oery, to present me to the four factories here, to tell them that if they throw any obstacles in the way of the Portuguese, and prevent their carrying on the Slave Trade, that their people should not trade with them any more, and that they should be expelled the port, and that the Portuguese should remain masters of it as they always were, and much more to the same effect, which will only fill up paper. M. Pedro (Captain of the brig "*Veloz*") will communicate all to you personally, more than I can possibly do here; among other matters he will acquaint you of the existing intrigue between the King and Gomez (the Captain of the "*Camoes*,")—Gomez, so well acquainted with this port, where he was in the habit of killing fish with a stick! All his knowledge was gained by one voyage in M. Guerra's schooner. At that time they were all sick in the factory. He never went up to the King about the duties but this once, when he did little else but indulge in his bad propensities, since which time he bears the name of "*Moxaquori*," which means "*drunkard*." On the 9th of June I went up to the King of Oery, who lives at a distance of about 14 leagues up the river Benin. I spoke concerning, and made arrangements for, the duties on the 12th, fully explained what I wanted, and the description of establishment I purposed keeping, and for what period. I endeavoured to impress on his mind the necessity of decreasing our duties, as our trade being more constant would increase

his revenues beyond any other trade. He answered that we should pay the same as all his other friends from Pernambuco, Pascual, and Claudio, and from Bahia Cordoza. At this I remonstrated. Not being able to convince him by any argument, I was satisfied to obtain a small abatement of the duties to some of his grantees, such as the governor, the principal woman of the King, the magistrates, the interpreters, the headman of the Fetish, the fisherman, and the priest, which, by Pernambuco prices, will amount to 350 milrees and upwards for each vessel, as you will perceive. On the 14th instant I paid the duties to the Prince who came on board; I gave him a salute of 5 guns, and again on his landing, the custom at this port; and on the 21st I held a palaver to buy slaves, and was permitted to go to Gotto, and arrange the duties with the King there, which I did by sending M. Delgado and M. Coimbra on the 29th with goods already divided, also liquor and tobacco; and after being there 12 days they obtained leave to speak to the King respecting the duties for three years, or such period as the factory may continue in force. We find they are much higher than at Oery, which has annoyed me, because they had the advantage of a clever interpreter who could have arranged with the King's valuers to have put a higher price on the goods, making them a suitable present for it; but the formal manner in which M. Delgado conducts business with the blacks would not allow him to adopt this mode of mutual accommodation. I have sometimes given him a hint, shewing the necessity of bending and making himself agreeable to those in authority. Had I not been engaged, or had I any one to have left behind me, I would have gone up to ascertain the cause of their not having bought any slaves, as I expected some from thence. The brig "*Veloz*," at my departure, had her slave-decks laid, and water on board, without any cooper, only wanting provisions for the voyage, part of which I am in hopes of purchasing at Gotto, such as yams and corn; the remainder I shall supply from the "*Camoës*." From this time forward the vessels must bring with them an ample supply of farinha and beef to be furnished here with yams, and thus prevent our being at a loss as at present. I hope you will in future adopt this plan, which is the result of my short experience here. With respect to the cargo of the "*Veloz*," which had a very quick sale, the printed calicoes and stripes must be small patterns and wide, the striped cambric and red handkerchiefs and the blue to be had of Pogetti, and some with a blue field and white spots; there are others with a brown field and white spots which do not answer for the purchase of slaves; and also the bales of stripe, bought of Rosas and Braga, and the pieces of cambric from Patten, were only taken in exchange for provisions. By a perusal of this you will see what I have got to purchase the cargo for the "*Veloz*." They will not take more than 2 rolls of tobacco on each head, and, should they take 3, the head must be inferior. I have found among the cargo of the tender 58 rolls damaged, of which I have already acquainted you in my letter of the 8th of June. Almost all the hides (covers for the tobacco) are rotten outside. I have cured some with a barrel of molasses, that came in the tender. Besides these, I have found about 100 quite rotten to the inside. It is very evident it was not properly cured at Bahia; moreover it is old tobacco, and prior to my leaving, the King returned 28 rolls, which prevented their taking tobacco afterwards, without first opening it; before, they only bored the hides with a piece of stick, and so pierced the tobacco. Whenever there is cause for doubt among these people, it destroys all confidence, and injures the trade most materially. These and other circumstances have caused me a deal of anxiety. I believe that M. Duarte must have paid very little attention to any part of the business, even in the purchase of the tender, which, although said to be a new vessel, requires already to go into the carpenter's hands. Under all the circumstances, I think there is very little inducement held out to those visiting this unhealthy climate, where we have death always before us, and with such uncertain advantages, moreover with an Establishment so ill supplied with the requisite articles for the purchase of slaves. I wish you could see the English factories here, the quantities, quality, and variety of their goods. Whenever I think of them, it only reminds me of the inadequacy of the funds of our Company. We have not even enough for the purchase of cargoes for the two schooners from Oporto, particularly if the tobacco continues in the same state, and in which I cannot look for improvement. I have thus told you plain facts, that you may see the real state of things. I enclose a list of articles most in demand in this trade, with which I should always be able to command the market, as they say. I should not be surprised if we bought from 200 to 250 per month, which would be highly advantageous to those engaged or interested in this business, and give active employment to the agents and others, who would have no time to get sick, being engaged up the river buying the slaves, in informing the King's people of our having such and such goods as they like, the same as Condoza of Bahia always did, and at the end of six years he paid no more duties. The King says our factory will enjoy the same privilege hereafter, provided his demands in the meantime are complied with; and you will see how much the interests of the Company will thrive by the factory being kept full of assorted goods, not as it is now, when the King knows our deficiency in every particular. I take the liberty of pointing out the necessity of these suggestions being acted on, as the only means of bringing the establishment into repute, and making it a place of importance to the natives, where they can get anything they want. Kind treatment also goes a long way with them. My companions have had ample warning in this respect, in what occurred at an English factory here, where some of them went to save the factory from being burnt down. I have not been able to get more than 20 bars from the people, and 15 from the King, in trade for the tobacco; and even at this rate I allowed him to open them, but to the people it was only pricked with a stick; the half-pieces of calico, which they call pieces, and the rest of the pieces of 14 and 15 yards, and pieces of handkerchief, 8 bars for the people, and for the King 7 bars; Friars' hats at 4 bars for the King, and 5 to the people; also hats of Braga, at 3 bars to the people, and 2 to the King; and there are other arrangements equally good; 3 pipes of spirits will produce 4½; and everything else in proportion. It is also true that many things are lost, but the choosing of the slaves pays well for all; those of the king are from 85 to 100 bars, from the people 70 to 80 bars; but it is very difficult to trade with the King, without which, however, nothing can be done, as he first opens trade. No English men-of-war boats came to search the port before I left, neither were there any near when I went out; it is not usual for them to enter, in consequence of the heavy surf which acts on the bar. Before my arrival, on one occasion, they were the cause of the smack's landing her cargo, and going to Pernambuco empty. The boats boarded her with two persons in naval uniform, and the crew armed, as it was found afterwards for the purpose of a joke, they being two people from an English factory on shore, who had the boat belonging to an armed schooner with six guns that was then taking in palm oil. The only excuse they offered was, that it was a drunken frolic, and that they wished to be on friendly terms. The same trick was played

upon before we became acquainted with them. They pulled alongside one night about 12 o'clock in an armed boat, when two officers boarded us, and demanded the register and other papers connected with the vessel, ordering the hatches to be opened; they went below, &c. The next day we learnt that they were Englishmen from the factory; one, Miller, who was in the brig "*Aracati*" of Pernambuco, and the other, Hope, employed by Mr. Smith. Their masters have two large factories for oil, and they were loading nine vessels when I left, the only vessels in harbour. One of these men will pilot the brig over the bar, which I hope will be at the latest from the 25th to the 30th instant, if the bar permits, of which I give you due notice. It should have been earlier, had I found the house of the factory ready, a comfort indispensably necessary in such a climate. I attribute the sickness of the people of the brig and tender as well as myself, when I was deprived of reason for eight days, altogether to M. Gomez. May God grant that our misfortunes end here! In the brig I send two very small beads with a fire-mark on the left arm, whom (after you affixed their price) I beg you will deliver to my wife. This I ask of you as a friend, hoping they will not be changed for others; as in the act of the valuation I hope to have some consideration, which I think I have merited. It is unnecessary that I should say anything to remind you that, in the bonus awarded to those of the establishment, M. Gomez (Captain of the "*Camoës*") cannot possibly be entertained, as nearly the whole of the delay and difficulties have originated in this man. He has been giving goods in larger proportions than he was authorised, which he did on the first payment of duties to the King, when Delgado accompanied him, giving him a promissory note to this effect, as you will see by the quantity of tobacco sold; to the Queen 100 rolls, to the Prince 100, and to the King 100, and an equal proportion of cloths, which, when the document was presented, I could not help paying. He told me that it should not be altered. This I did not wish, as it would have been a breach of faith, and might have created a bad feeling, and injured the interests of the factory. Such has been the conduct of M. Gomez throughout; he has done the Company as much injury as he can. I have experienced the want of the irons that were thrown overboard. Luckily the Queen has given me 48 pair, which, with others I have ordered to be made for the "*Veloz*," will be sufficient; and should I require more, they can be made, although to make them is rather expensive, as the blacksmith is at Oery, 14 leagues distant. During the transit of the tobacco from the tender to the factory, I missed 25 rolls, which I told the Captain of the tender; and now mention for your information, that I received 625, instead of 650 rolls; also in box, No. 2 of the cargo of the "*Veloz*," instead of 7 pieces of stripe we found 6, which you will note. There ought to be now about 1000 to 1050 rolls of tobacco, which as soon as I ascertain its state, I shall endeavour to get a quick sale for, and buy slaves, which until now I have not been able to do, they knowing we have cloths. I therefore calculate on the cargo of the "*Camoës*," which must be taken into consideration to complete the schooners from Oporto. Your idea, from the information you had, not being by any means correct, you have made no allowance for presents and duties to the Kings, &c., and other contingent expenses which are not small, to payment of wages to whites and blacks, and to canoes, &c., that go to Oery and Gotto, 20 bars for each trip, and provisions for 20 people in each canoe, taking into consideration the scarcity of yams, &c., at times. The majority of these expenses, when the factory is well established, will disappear, because these trips will be made by canoes belonging to the factory, which I have already bought, and arranged for putting slaves into them as canoe men, with three or four freemen belonging to the King. Wages to the latter cannot be avoided. You must not be surprised at the expenses on the first formation of so extensive an establishment, which, should I remain here, will soon be decreased, but my stay is uncertain for many reasons that have induced me to change my ideas and disposition. I think it but right to comply with the request of the Queen for a string of the largest coral beads that can be found, such as those that Bastos showed you; it is for one who is always willing to oblige us. I feel confident that you will forward them by the very first vessel; I think she will pay well. She has settled several disputes that the Prince and I have had concerning trade. I wish to advise you that part of the goods that come from you for the factory must be divided as I tell you. The pieces of English calico that contain 28 yards must be cut in the middle and stitched at the sides. This may be done to any description of English calico that has not more than 28 yards. The stripes which contain more, and others less, ought to be divided into pieces of 14 or 15 yards, which can very easily be done by counting the folds in the act of dividing of it; where it is doubled they must afterwards be stitched. If it happens that a piece has the number of yards which would divide into one of 13, one of 14, and another of 15, do so; as by this means they can never be less than 12 to 15 yards. This arrangement answers to every description of goods excepting silks, beads, and coral; and pieces of handkerchiefs, of whatever quality, must be cut into pieces of 8: if any have 15, you can cut them in two, one of 8, and another of 7. The reason of my explaining these particulars is, in consequence of the King's always going on board on the arrival of the vessel to receive his duties. For this the goods must be parted ready for his inspection beforehand, and you can have a distinguishing mark on these boxes. When at Oery I saw some gum copal; they stop leaks in their canoes with it, and use it otherwise in their repair. I asked if it was to be had, and was told that it came in considerable quantities from a place up the country, the inhabitants of which were constantly at war with the King of Benin. Respecting the Orchilla I did not ask, as the country is flat without mountains, like Angola, Benguela, and Nova Redondo. The only produce of this part is a dye-wood, of which the English export large quantities. I send you a small piece as a sample: the sticks are long and thin. The traffic in both gum and copal and this dye-wood is almost wholly confined to the English; now and then a French vessel takes a small quantity. The natives are very partial to their goods, as is shown by their asking for French calicos and red handkerchiefs. As to planting beans and cassada, I cannot form an opinion as to its utility; it might answer up the country, but not down here, as the soil is nothing but morass and mangrove, and the houses are raised from the ground several feet in consequence of its swampy nature. I think it necessary I should mention to you that I have contracted with Vianna at Princes to supply the vessels with fresh provisions when they have discharged at Benin; and when complete with water and provisions, they will return to that port for their cargoes, by which means parties will be ignorant of our movements, paying Vianna either in goods or by bills. This arrangement will not only make a material difference in the price of provisions, but prevent any unnecessary delay in the vessels, which plan I hope will meet your approval: it was always adopted by those from Bahia. I am happy to say Vianna is very popular, and in great favour with the Governor. He is sick, and will go to Benin so soon as he recovers. He married very well, and has plenty of slaves, so the Governor Jacinto Pereira tells me; he also informs me that we can make a cargo of 250 slaves in twenty days, more or

less. I am in hopes of being able to get Portuguese colours for the tender, and put on board five slaves as sailors to save expenses. The acting President told a few more particulars respecting Gomez (Captain of the "*Camoës*"). Be assured I will set things at rest very soon with this villain, who appears bent on injuring the interests of his employers. I have no time to say more. If the vessel is detained, it will not be my fault. I am going to Benin, taking with me provisions which I bought with spirits, notwithstanding my contract with Vianna. The vessels must bring out their usual supply of provisions, particularly farinha, which at some seasons of the year (as at present) is very scarce, having paid two dollars per bushel. Beans I could find none, which I regret much, but I have plenty of yams at a moderate price. I wish you perfect health, and that I may always enjoy the same; there are several here very sickly. Nothing troubles me so much as to meet with difficulties everywhere occasioned by this one individual, of whom we have already had to speak too much.

I am, with esteem, respect, and friendship, most truly yours,

(Signed)

JOAO BAPTISTA CEZAR.

P.S. I have not sent you the sample of wood, having mislaid it either here or at Benin. You shall have it from there with some other things to be forwarded hereafter.

No. 15.

A Second Report from the same on the same Subjects.

M. Jozé Francisco de Azevedo Lisboa; or in his absence, to M. Manoel Alves Guerra.

FRIEND AND SIR,

Benin, September 16, 1837.

THE Captain and Coimbra will acquaint you with my motives for not being more explanatory, as time will only admit of my advising you of the shipment on board the "*Veloz*" of 217 slaves, viz. 212 on the Company's account, and 5 from the authorities on shore, for the purchase of articles of which M. Coimbra will give you an account, and to whom I have handed a list as to their quality. I must not omit to remind you that the King has sent one of his own boys in the brig, to learn the customs of the whites; he must return by the brig without fail, or it may create an unpleasant feeling between the King and myself. Give the boy clothes, and treat him well, that when he comes back it may create a favourable impression. The Captain, Joaquim Pedro, will relate to you every thing that has occurred, and what he has seen here, and the important reasons that prevented me allowing the brig to proceed on the day I stated to you in my letter of the 4th August, written at Princes, by a brig to your place, which vessel left so suddenly that I was unable to extend my letter as I could have wished. Coimbra's going to Pernambuco is in consequence of his being thoroughly acquainted with every thing that has transpired here, being himself so mixed up with them, and fully competent to answer all questions regarding the affairs of this Company. He has with him a number of papers connected with the "*Camoës*" and her Captain, and her unprofitable cargo, of which I send you a sample by Coimbra, in whom, I repeat, you may place every confidence. He will inform you of the conduct of this unfortunate man, who pretends that he had not time to take a copy of my letter to him from Princes; but on all these points you will be much better informed by Captain Joaquim Pedro (of the "*Veloz*"). I shall very soon be left without any other assistance than that of M. Delgado, which is so trifling that his absence would not be felt; as also Barretto, who is gone some days back to Gotto. M. Coimbra will deliver you a number of letters from Vianna, being a correspondence between him and the Captain of the "*Camoës*" during his stay at Princes, together with an account of disbursements made by the said Captain, who pretended to make purchases with a view to save the provisions intended for the voyage back: notwithstanding which I found only 51 arrobas of salt meat remaining out of 150 brought from Bahia; and the farinha has also disappeared in the same proportion. You will receive the list of presents to be bought for the King, according to the advice given to Coimbra, and which must be ready to come in the first vessel for this. The girl shipped on the King's account is to buy eatables, such as hams, sausages, butter, biscuit, sugar and tea. M. Coimbra has also a memorandum of articles required in exchange for the two slaves shipped by the Queen. The want of these articles will, I am afraid, injure me in their estimation. The King returned me yesterday 80 rolls of tobacco damaged, which makes 600 rolls that have been rejected from their inferior quality, of which I have before spoken. I send two small negroes, with the mark O on the left arm, as I mentioned in my letter of the 4th August last, and which I begged you to deliver to my wife as soon as they had been valued, hoping they will not be changed. I have omitted many things from want of time, as I find it necessary to start the brig earlier than I had anticipated. My motive you will learn from Coimbra and Captain Joaquim Pedro, whereby you will form some idea of the state of our establishment, and the hardships I am exposed to from more sources than the mere sickly climate, which few would endure.

I am glad to inform you that I am on most friendly terms with the authorities here, and also with the English residents. Without this mutual understanding, no person could reside here. I have just heard that they have had a disturbance at Gotto among the blacks, but nothing important to affect the establishment there. I sent the "*Camoës*" launch to bring some corn, it being the only place where it can be had readily, but it has not yet arrived; therefore the brig must sail without it. Respecting the sailing of the "*Camoës*," I will endeavour to effect it by the middle or end of October, which delay will be occasioned by my having no goods to purchase, and consequently being unable to say how many I may have. The Captain of the "*Camoës*" appears very exact in all his transactions with me, but it is not in his power to deceive me by his cunning readiness: on this point he may rest satisfied. Coimbra will give you a balance, struck on board the "*Camoës*" after her arrival from Princes, wherein you will perceive the deficiency, &c. By Captain Joaquim Pedro you will hear the bad feeling that exists between the King of Oery, the Prince, and the said Captain of the "*Camoës*," and also what I suffered by the arrival of the said brig whilst I was delivering the presents to the King. I take the liberty of sending my measure for four pairs of shoes, to be made with high fronts, and which I hope you will forward as early as possible, being without any, as they wear out very fast at this place. Send me also some good clogs, and have made for me two pea-jackets, with pockets outside, and well lined, to fit M. Coimbra; any coloured cloth, blue or brown, not of very inferior quality, as they will soon wear out; also one dozen pair of Spanish worsted stockings, very thick; and a good Scotch

cloak, lined with flannel. Provisions for the factory will be required by the first vessel: as to the quantity, M. Coimbra will inform you; as also, ten barrels of white sugar, to exchange with the English for other articles, as we have already done by bartering sugar for two arrobas of rice.

M. Coimbra and the Captain will inform you of the reason of my not complying with my obligation respecting the vessel's entry into this river, which was unavoidable, in consequence of the continual arrival of the cruisers off the bar, particularly as the position of the banks offers the means of ingress and egress, provided care is used. I have now little time to complete this hurried letter. I can only repeat, that the above two persons have been eye-witnesses to almost every transaction, and will consequently give you every information. Pray send the provisions as soon as possible. You already know by my letter of the 4th ultimo my anxiety to establish our factory on the same principle as the English, with a good assortment of articles, therefore I need not repeat it. Any other information you may require you can gain from Coimbra and the Captain, for the truth of which I can vouch, as time is precious, and I cannot say more. M. Azevedo, the expenses have been great, although I have curtailed them as far as I could. On my arrival here, things were in a miserable state, rendered worse by the want of a proper factory, and the requisites to establish it. M. Coimbra will deliver you a list of the slaves belonging to the Company, also to the King and others. That you may know them, they are all marked O in different parts, agreeable to the said list. I wish you perfect health, and that it may continue for many years, as I desire for myself.

I am, &c.

(Signed) J. B. CE'ZAR.

N.B.—I send you, among Coimbra's papers, a list of the goods most desirable for the purchase of slaves.

No. 16.

Letter from the Same to his Wife at Pernambuco.

Benin, September 15th, 1837.

JOSEPHINA, DEAR SPOUSE OF MY HEART,

I WRITE these few lines in haste to inform you that, by the hands of the captain of the "Veloz," Joaquim Pedro, I send you a quantity of country cloths which are to be kept, also three fine mats and two parrots, one ram goat for my little son John to play with, being very tame, three sea-horse teeth to be polished and ornamented for our little daughter Henrietta, also a little girl very pretty, and a little black boy for Johnny, which you will request of your father to go and receive from Mr. Lisboa, or his order, they having the mark O on the left arm. He will also deliver you two parrots if they arrive safe. Few are the moments that my eyes do not shed tears when thinking of you all, and for reasons I cannot mention. Recommend me to your father, my father-in-law, and mother-in-law, and the rest of the family. Do not forget to ask of our Virgin health and happiness: and I ask the same at the hands of Miss Francisca, to whom you will kindly remember me. With a sweet kiss to each of our children, which distance precludes me from giving,

Believe me &c.

(Signed)

J. B. CE'ZAR.

I have no time to say more.

No. 17.

Order from the Same for the Delivery at Pernambuco of two Slaves shipped in the "Veloz."

M. JOZE FRANCISCO DE AZEVEDO LISBOA.

Benin September 16th, 1837.

PLEASE to deliver to my wife, or M. John Henriques da Silva, my father-in-law, two slaves, being male and female, marked on the left arm as below, the value of which you will carry to my account.

(Signed)

J. B. CE'ZAR.

Mark on the left arm O.

No. 18.

Letter from the Same to the Captain of the "Veloz" on the Departure of the latter for Pernambuco.

CAPTAIN JOAQUIM PEDRO.

Benin, September 16th 1837.

MY DEAR FRIEND AND SIR,

HAVING many things to request of you, friend, I take this opportunity of begging the favour of your executing a few commissions for me, knowing you will readily comply. In the first place, I wish you a speedy and lucky voyage; and if God carries you in safety, you will deliver to my wife, in the house of my father-in-law, the bag with the country cloths, two parrots, two sea-horse teeth, and the little he-goat, which I beg you will deliver personally. Embrace for me my little son and daughter, as also my father-in-law, to whom you will give an exact account of the state of things. Respecting M. Azevedo, it is quite unnecessary for me to tell you any thing, as he is already in possession of all particulars. Good bye, my dear friend. I am with esteem,

Yours &c.

(Signed)

J. B. CE'ZAR.

No. 19.

Letter from one of the Agents of the Company in Benin to his Friend at Pernambuco.

MR. JOAO HENRIQUES DA SILVA.

Benin (no date).

IN the first place, I hope this may find you in good health as also your family, as it leaves me. Sir, I can hardly relate to you the troubles I have had to contend with, partly on account of a villain who

they put on board the brig "*Camoes*," and partly from my residence being at a factory at a place called Gotto, distant from the vessel about ten leagues, where necessity compelled me to eat corn and bananas, which was my only food for several days, without so much as a glass of wine. When we want to buy a fowl, which is only so by name, there is none to be had; the same with a goat, as also a pig, neither of which can be obtained when required. It was reported that every thing could be had here, and that fish were so plentiful that they could be knocked down with a stick whilst walking on the beach. I can only say that I thank God when I am able to get a few shrimps to put on the fire. I must not complain of this individual of the "*Camoes*," though I cannot help feeling hurt at those who placed him there. Notwithstanding my having been acquainted with this trade for 21 years, I am put aside as though I knew nothing, and everything is conducted on quite a different principle. It is annoying to be under the orders of a wretch who only came here once with the late Claudio. He and the boatswain have purchased every thing; I have not bought one slave; but I bear all in mind to talk over at a future period, should I survive. M. Jono Henriques da Silva, may I beg of you, without taking the advice of a third party, to have the whole affair exposed in the newspaper; and I would wish to know at the same time whether or not I ought to address another person on the subject. I must request you to send me one of the papers enclosed in a letter, and for which I must wait your usual punctuality, knowing you will not fail. You will not forget to remember me to all your family, to whom I recommend myself, as also to you, wishing you health and happiness, and all others known to me.

Believe me yours, &c.

(Signed)

MANOEL JOZE' DELGADO.

No. 20.

Letter from the Sub-factory established at Gotto in the Benin, to the principal Agent of the Company in that River.

M. JOAO BAPTISTA CEZAR,

Gotto, June 22nd, 1837.

TO-DAY at 10 o'clock we arrived at this place, after a pleasant passage, although yesterday, at 6 P.M., we had a pretty heavy tornado, which obliged us to take shelter among the mangrove, where we were much annoyed by mosquitoes. It is almost impossible to explain to you how bad the road is to the place where we stow the goods and spirits, and where we also reside. It is hardly credible how the blacks manage to get the pipes up so steep a place, which is only equal to the mount of Pernambuco; but luckily now everything is under shelter, excepting the pipes, which the negroes are now bringing up. The landing is also very bad, as even canoes get aground at a great distance; we were obliged to be carried ashore. Now I believe what the sailor Emigidio told me, that the spirits ought to have come in barrels, for convenience of transport. After some cost and small sacrifice, I do not doubt but all things will be arranged. I regret you did not accompany us, as you might have seen all these difficulties. By what the Governor says, I shall not be able to see the king before the 25th instant. To-morrow he will give notice, and the third day I purpose going. The ceremony with which we are received is very different to that at Oery. We go first to the house of the ovidor and priest, which appears like the infernal regions; we receive a knock on the head, and are crossed, and afterwards go to the Governor's house. After all is over you shall have it detailed in my next letter. You will do me the favour to send me the box of hats and flannels which I forgot, also the padlocks and cap. Send them in the large canoe, as the other leaks. The houses here are very badly secured. Pray send me the planks I left, also some pine-planks from the schooner, which I much require. As to provisions, we have been to the market, and find nothing but yams, two large ones for a bar; if small, five. Indian corn is plentiful; fowls and goats also. I cannot yet give you a correct account of all, but will do so on the return of the canoe. They seem to say there are plenty of slaves. Remember me to all.

I am, &c.

(Signed)

JOSE DELGADO.

P.S.—So soon as the tender arrives, send me the watch that the mate has got. Do not take notice of the writing, for the multiplicity of business prevents my paying proper attention to it, having round me at this moment fifty of these devils. Remember me to Joaquim Pedro.

(Signed)

ÇOIMBRA.

No. 21.

From the Same to the Same.

M. JOAO BAPTISTA CEZAR,

Gotto, June 25th, 1837.

I HOPE you have enjoyed perfect health. The bearer of this is our friend that boarded us the other night. I supped with him yesterday, when we had a long conversation: he told me that Mr. Hope complained of our not visiting him. This gentleman has two factories, the principal one at Bobim, to which place he is going, and requested to be the bearer of this letter. Mr. Delgado was very unwell some days ago; in consequence of the constant fall of rain, he has not been able to see the king; it being a day's journey distant, he is obliged to sleep on the road. We are waiting for the canoe; by her you shall have all particulars. We have made the house tolerably secure; the houses are in this respect generally bad. I hope you will not forget to send the boards. At present I cannot send you a further supply of corn and yams, until the rains have somewhat abated; moreover the people will not sell until the permission of the king has been obtained. I can assure you the supply here is far greater than below.

I am, &c.

(Signed)

ÇOIMBRA.

N.B.—Mr. Delgado requests you will send him some soap, and the table oil-cloth. This same Englishman sent us half a dozen small jugs and six spoons, and the persons of the other factory have already sent us some crockeryware without solicitation. The people ask for a small bullock 40 bars.

No. 22.

*From the principal Agent of the Company in the Benin, to the Sub-factory at Gotto.**Messieurs Manoel José Delgado, and Joaquim Coimbra, Gotto.*

FRIEND AND SIR,

Benin, June 25th, 1837.

YESTERDAY I received your letter of the 22nd instant at 8 P.M., and was much pleased to hear of yours and Mr. Coimbra's arrival in safety, though after much trouble and anxiety; but, my friend, nothing can be obtained without them in this part. As for Saint John's day, it was to me the greatest torment, having to entertain the queen and her mob, who came for goods. After a long time, when my patience became pretty well exhausted, they made arrangements about some slaves; after which, the business being concluded, they left. Such is the nature of this trade. Below is a list of articles which you requested, with the exception of the planks, which you should have secured before the "*Camoës*" left. The tender has not arrived, nor yet the schooner from Pernambuco. I wished yesterday to send the launch up, but it was impossible; I shall do so however to-day at 8 P.M.; and by her I send you instructions regarding the selection of slaves. Friend Coimbra will give you his aid and good advice; for throughout the voyage and delay at this port I derived much valuable assistance from him. I regret to say Bastos, whom you refused to take up with you, has evinced a very different feeling. Time is short; I must therefore beg you to remember me to Coimbra, in which our Captain joins us, also to yourself. As you pay your duties to the king you will let me know. I have to receive from the king, the prince, and the queen, 187 slaves, including those in exchange for the goods they took yesterday, agreeing at last to take 3 rolls of tobacco for 1 slave. Mr. Joaquim Pedro wishes to send you some fowls and yams by the canoe, also a saw, 100 nails, a box with flannel and hats, 2 cups and saucers, 3 planks of Brazil wood, 4 knives, forks and spoons, 15 rolls of tobacco, 1 pipe of spirits without mixture, 12 pieces of checks of 44½ yards, and 50 cutlasses. Your cap cannot be found.

I am, &c.

(Signed) J. B. CEZAR.

No. 23.

From the Sub-factory at Gotto to the Principal Agent in Benin.

MR. JOAO BAPTISTA CEZAR,

Gotto, June 30, 1837.

WE received your letter of the 26th instant, and all that you sent; but advise you that, on counting the checks, I only found 8 instead of 12, as you state; and 51 cutlasses instead of 50. It is as well to ascertain who has made this mistake, for the box was full, and incapable of holding more; and I also opened the large chest to see if they were there, but did not find them. This makes 4 pieces of checks deficient, and 1 cutlass surplus. I have already informed you of the difficulty we have in getting the pipes of spirits up to the house. We must have barrels, or great loss will accrue. I now proceed to acquaint you of the inconveniences we have been subject to, from the mal-information of parties respecting this place. On the 27th instant we left this for Benin, sleeping at the priest's house. Here we started one barrel into a demijohn, as a present for the said priest. The next day we paid a visit to the Fetish man, and here they made us wait until the King was informed of our arrival. At about 10 o'clock it was intimated to us that we could see him; we were then put into a house to wait the return of the King's messenger, with his symbols of office and the walking-stick. They asked us what we had brought as presents to the King; we answered, nothing. I cannot express to you the frightful noises and gestures they made, when I answered in the negative; it quite alarmed me. Fortunately, there was a black present who could talk Portuguese, by which means I entered into an arrangement to return to Gotto for some goods, leaving Delgado as a hostage. I came down yesterday in the midst of the rain, and in the morning sent six pieces of goods by the bearer with all speed; but the King cannot be spoken to till the second or third day, whereas we were persuaded that we could not see the King until the 3rd of July, not having brought him any presents. I think it necessary to tell you that, if the King of Oery merits what you brought him, this King should have a great deal more. From the little I observed, it must be a good place for slaves. I was astonished to see so large a market the day I arrived. You may calculate on the duties being very high here, so black Antonio tells me, who speaks tolerable Portuguese. It was he that gave me correct information of the trade of Benin, and he promises to secure me large supplies of slaves, male and female, and plenty of provisions. It is necessary to inform you that they will not sell us goats or yams, &c., until we have paid the customary duties to the King. My friend, I wish those well-informed characters who give false accounts of things would pay a visit here, to see what the duties amount to. There is a sailor in Benin who came here from St. Thomas as pilot of the smack, and required fresh provisions. The King sent to demand his duties, and, having no goods, the King detained him until he paid. Mr. Delgado delayed the canoe for the purpose of acquainting you of the amount of duties, in the expectation that all would be arranged in three days; but, such not being the case, the canoe is now despatched to prevent further expenses. You will send her up about the 6th of July, as when we open trade there will be plenty of slaves forthcoming. I am afraid I shall find the goods very inadequate to the demand; but we will first see the commencement of the business, when we can always increase our stock. The greater portion of the people here are aware that we have not yet paid our duties to the King, and cannot therefore commence business. What few things we have had in the way of fresh provisions is through the Governor, as the people will not trade without permission. I must again beg you to send me two padlocks, which are much required; but for the transport of goods and slaves, this place would be preferable to Benin for a factory. I am sure you would be surprised to see the population of this place. The town is large and eligible, and in the street where the market is held there appears to be at least 4000 persons assembled, with all sorts of commodities for sale.

I can only send the undermentioned either for you or Joaquim Pedro at present. I have my health, and Mr. Delgado is much better. Let me know if you received a letter forwarded by an Englishman that boarded us one night. I have nothing more at present to tell you.

I am, &c.

Pro Mr. DELGADO.

(Signed)

JOAQUIM GOMEZ COIMBRA.

One sheep, ten fowls, thirty yams, two boxes bananas. Send me half a dozen quires of paper.

No. 24.

From the Captain of the "Veloz" to the Sub-factory at Gotto.

MR. JOAQUIM GOMEZ COIMBRA,

Benin, July 3rd, 1837.

I RECEIVED your letter of the 30th ultimo, which afforded me pleasure, to hear you were in good health, as it leaves me. I have had little else but troubles, particularly since Mr. Cezar fell sick with severe ague; for, on the day of Saint John, the king and his followers came here, and plagued us for more goods, as also the queen, to which we were obliged to submit. At the same time they saw three boats on the bar pulling in, which were supposed to belong to vessels outside, that could not be seen from us. As you may suppose, we were somewhat alarmed. We consulted as to the propriety of sending the coppers on shore, although the prince told us to be quiet. In a short time, however, we found they were boats which had gone out to commit the body of the late supercargo of an English schooner to the deep. We passed the rest of the day without anything new occurring. On Sunday we were getting the canoe ready to go to Gotto, and, as Mr. Cezar would move about, though it was raining, he got a relapse, and got worse towards the evening; so much so, that I was greatly alarmed. All recommended different remedies; at last I determined upon sending for the English doctor. Mr. Cezar became delirious for a time, after which the fever abated, when I felt more easy. I have observed, until now, that he has had the ague every other day but Tuesday, that was yesterday; I mean; Saturday it assumed a milder type. God grant that he may get better for all our sakes. I acquainted you that on the 1st instant, at ten o'clock, the schooner "*Camoes*" hove in sight, and was at anchor here at twelve, without any news. She was 48 hours from Princes', and 9 days going. The Captain of the brig is in prison, and in great disrepute there, and it is only by Vianna's intercession that he will be released. I should be much more communicative, but Mr. Cezar has already written you. He is in much better spirits, and more satisfied in other respects. The smack sailed for Pernambuco two days before the tender left for this, taking all our letters. Now, I think, all our arrangements will go on better, at which I think you will also feel more satisfied. I am astonished at the conduct of the captain boasting of his authority, which will be put to the test when the brig arrives. I give her 15 days to be here. I am obliged to you for your kind thoughts, but must beg of you not to buy the things I requested, without first knowing the price of the cloths, and with what they can be bought, as I will then ask Mr. Cezar's permission to take goods for them; you can inquire if any of those things I bought from Locadio will be taken in exchange. I wish you health, and that you will be more reconciled, and that Mr. Delgado's health will improve, to whom you will recommend me. Hoping you will honour me with your commands,

I am, &c.

(Signed)

JOAQUIM PEDRO.

This letter was written some days ago, supposing I could then send it up. Yesterday, the 5th instant, there was a great disturbance at the English Factory, where a negro was killed, and the people are yet determined on revenge. The Factory is shut up; it has already paid for one palaver: you will hear more of it. Mr. Bastos came on shore three days ago, to take charge of the goods that have been landed, but the effect of the liquor on the said Bastos in some measure defeats our object. Mr. Cezar is highly displeased with him. I beg you will let me know the price of parrots, and what they can be bought with, as a guide to me. Farewell, my friend, excuse my writing. The canoe is almost ready; we have had four sick, but all are now convalescent. Mr. Cezar is well, and partakes of everything at table. God grant you and all of us health! Coelho is getting much better, since he came on shore. He now visits the English Factories. Farewell!

(Signed)

JOAQUIM PEDRO DE SA FARIA.

No. 25.

From the Sub-factory at Gotto to the Captain of the "Veloz."

MR. JOAQUIM PEDRO.

Gotto, July 8, 1837.

I AM much pleased to hear that you keep good health. I have, thank God, been equally fortunate, and, having good faith in the Virgin Mary, I have been enabled to sustain it. Believe me, dear friend, I never thought that this business would have caused so much trouble and anxiety. I find myself alone, with more than I can manage, from Mr. Delgado's being almost always ill. I can hardly express to you what a tyrant [the king is, as also those about him. I shall be better able to inform you in person, that the whole of the information given by the Captain of the "*Camoes*" is as opposed to truth as day to night. That man had the effrontery and plausibility to deceive half-a-dozen men of experience at Pernambuco. From the tenor of Mr. Vianna's letter to Mr. Delgado, I doubt much if he will ever bring the brig here. I am informed that the business at this place is better than it was; the presents are above 1200 bars. To-day we commence trade; it has caused us a deal of trouble to do so. By your letter I learn that I must not buy anything without first knowing the price of the cloths, and what articles are necessary for the purchase of slaves. Until now I have been unable to ascertain this, because the blacks are so cunning, that they say, until we open trade, they will not sell us anything. We have had much trouble in getting even a few provisions. Bastos's great predilection for liquor is nothing new to me. God preserve him where he is! We have much need of Mr. Medina (Mate of the "*Veloz*") at this place for many reasons. If you can spare him for a few days, it would be a great favour; that is, if he is agreeable.

(Signed)

J. G. COIMBRA.

No. 26.

*From the same to the Principal Agent in Benin.*MR. JOAO BAPTISTA CEZAR, on board the Brig "*Veloz*," *Bobim.**Gotto, July 8, 1837.*

IN the first place I am glad to hear of your better health. Mine has not been very good, being every day more tired of entertaining these wretches, by whom I am surrounded. In the first place, the

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king's miscreants fix the goods at a low value, compared with those of Pernambuco. With a view to its being better explained, I have sent Mr. Coimbra to inform you of the whole business, about which and other matters I wish to see you. Pray send me a pair of clogs, a cap, also two hoes which are in the tender; also a saw, two chisels, and an axe, which are in your state-room, and the table oil cloth which I left my mistake; also the soap, a barrel of beef and pork. I enclose you a letter which Vianna sent me.

I am, &c.
(Signed) MANOEL JOZE DELGADO.

No. 27.

From the same to the same.

M. João Baptista César.

FRIEND AND SIR,

Gotto, July 16th, 1837.

I HAVE received your letter of the 14th instant, and can sympathise with you, knowing the trouble these people give. Immediately on my arrival here, they brought, as near as I can judge, 60 slaves. Being now without goods, I feel most anxious for their arrival. The people were much disappointed when they learnt the canoe had brought none; they are constantly annoying me about this, so much so that I scarcely know what answer to make. I send you a list of what I have, so that you may see the position in which I am left. I have some knives and cutlasses which are valued at 2 bars each. They wish to take what things I have; they want also writing-paper, but of this I have not sufficient for myself, and moreover I do not wish to encourage them, or they will never leave my house. Respecting provisions, I have none to use, and must therefore beg you to send me 2 barrels of salt provisions and half a cheese. I am also much in want of hoes and a carpenter's axe to clean the road, as it is impossible to get a pipe of spirits up the hill, without breaking the staves or startling the head; one came up the other day with three staves broken, and the cask thereby rendered quite useless. The provisions here consist of corn and yams. When any canoe arrives from below with salt, I have tried to buy yams, but could not, as the price is much increased. I have bought at times 50 heads of corn for a bar, 5 large yams for a bar, and 8 small for the same; there were 60 small yams offered me for 10 bars, but I did not take them.

Respecting Coelho, instead of 20 pieces of handkerchiefs sent by you, there were only 11, being 5 of 18, 4 of 16, and 2 of 19. I send you herewith 9 fowls and 2 goats; yams I have none. Wishing you perfect health, I beg you to remember me to Joaquim Pedro, and all friends.

(Signed) MANOEL JOZE DELGADO.

I send you 600 heads of corn in 2 boxes.

N.B. Those planks that came in the canoe, and a door which I want, are gone to a carpenter to fit them, having already got the iron-work. I wish you to procure me a 12-gallon cask, to hold the Governor's customary present, for he is constantly annoying me.

(Signed) DELGADO.

No. 28.

From the same to the same.

M. João Baptista César.

FRIEND AND SIR,

Gotto, July 26th, 1837.

I RECEIVED your letter of the 18th instant, and in answer thereto I cannot but regret that you should have any cause to complain of my mode of doing business. I do not know why the English gentleman should assert that the King has deceived me, as I have endeavoured first to make myself acquainted with the amount and nature of their duties, and the first account which they rendered me was 900 cowries. It immediately gave me a fever; for no sooner had I left them than I was obliged to go to bed. They took 1 pipe of spirits for 900 bars; the King of Oery took 2. My goods were first valued at the rate at which the King of Oery took them; he took pieces and not bars, and will sweat cold sweats until he receives payment to his own satisfaction; and I can only say that I am astonished, with your experience, that you should place any confidence in these Englishmen, knowing, as you must, that they are our only enemies. I have not the opportunity, or would ask them if the trade of ivory is the same as that of slaves; however, you can act as you please.

I send you a very pretty girl, which I bought for two rolls of tobacco at twenty bars each, two fathoms of flannel, and one piece of calico at 7 bars; and should you not have these three articles, you had better not send the canoe. There are plenty of slaves for goods, and should the canoe come up without any, it only creates an uproar, to which I cannot again subject myself if it can be avoided. You tell me, also, that you can buy slaves without flannel or printed calicoes; those that I brought with me are much approved of. Not having goods we must wait. If I had seen the cost of the articles before they were cut, I would have returned them to you, because goods at such a price must be from Pernambuco, and much too high for this market. There are now none remaining, and we will say no more on this head. I have been under the necessity of parting with some of the tobacco at fifteen bars the roll from its bad state. Some of the people will not even look at it. You insinuate that the bad state of the tobacco is owing to my neglect; if you think so you are sadly deceived. Another thing that I cannot understand is your telling me that 9 pieces of handkerchiefs have been stolen by the servants of the factory. Most likely those who spread the report assisted in the robbery, because the chest arrived at the factory perfectly secured with a lock, and the key in Mr. Coelho's possession, who opened it in my presence. I can say no more, as I do not know. Were I in your situation, I would give Mr. Gomez the beach for his residence, as he does not merit more. There are some things I require which I did not intend to mention here, because they were not sent. I have from the 22nd instant been eating salt meat, being unable to procure fresh; for the last 5 days I have not seen a fowl or a goat. I requested a barrel of pork, instead of which you send me a barrel of beef; the pork answers two purposes, the meat I eat, and it serves at the same time to season my fresh

food. There is no pork here to be bought. Should any one have found the boards, pray send them, as I am much in want of wood to make a door. I mentioned in my last letter that if I wished to write I could not, having no paper. I wish you perfect health, and all that are with you. Remember me to the Captain, who will oblige me with a few onions and some heads of garlic when the canoe comes, that I may plant a few. Regarding goods, I have none; that is, to buy slaves with. I have as follows: 63 pieces of blue handkerchiefs, 38 pieces of check, and 21 knives, cutlasses, half a pipe of spirits, and nothing more. You desire me to buy corn and yams; I will do so when they are to be had: sometimes for days there are none to be seen, particularly when any canoes come to trade with salt; I can buy nothing until they are gone. You must pay some attention to a girl that has two sores, one on each leg, which escaped my notice when I bought her. Had I seen them I would have rejected her; but now there is no other remedy than curing the sores. I have now 39 rolls of tobacco which they will not take even at 15 bars, from its bad state. Pray do not send the canoe, unless you have goods, for reasons before stated. If you do, I shall be under the necessity of shutting myself up in the house, and not shewing myself.

I am, &c.

(Signed) MANOEL JOSE DELGADO.

No. 29.

From the Captain of the "Veloz" to the Sub-factory at Gotto.

M. MANOEL JOZE DELGADO.

Benin, August, 1837.

I RECEIVED your letter of the 26th ultimo, which was received with 21 slaves, viz., 7 males and 14 females, 1000 head of corn (out of which there came to hand 500), also 25 yams, and 5 calabashes of palm-oil, 16 mats, and half a bag of peppers, all which was duly delivered. I have not been able to send you a letter advising the arrival of the "*Camoës*" on the 24th ultimo, as also the departure of M. Cézar for Princes in the schooner. The delay of the brig "*Camoës*" has been very great; she is now at anchor off the bar; she will come in as soon as the tide permits. The captain has been on shore, but nothing new has occurred; she waits the arrival of M. Cézar, which I have reason to believe will be shortly. I regret that I have nothing worth communicating further than Mr. Coimbra has as yet escaped fever; all the rest are sickly. I have been myself in the greatest affliction, supporting these people from the provisions which I had brought for the return voyage; and what distresses me most, is not having sufficient to meet the wants of the negroes at the factory; indeed, I know not what to do, as nothing can be procured at this place.

(Signed)

JOAQUIM PEDRO DE SA FARIA.

No. 30.

From the Sub-factory at Gotto to the Captain of the "Veloz."

CAPTAIN JOAQUIM PEDRO DE SA FARIA.

Gotto, August 10th, 1837.

I SEND you 100 yams by an Englishman, who has offered to take them, knowing I have no canoe: I have also a quantity of corn which will be sent hereafter. I have no provisions, having lived on salt meat for some time; there is neither a goat nor a fowl to be had. I am without biscuit, sugar, and tea: the Englishmen have kindly spared me some. This is the time that I can purchase yams and corn for the vessels. My spirits are all expended to-day; this is what the natives most want: the goods they do not require. My wine is also out, so that my stock is reduced to nothing; if convenient, send the canoe for the corn, that is, should you find M. Cézar make too long a stay at Princes. I also inform you that, if I had goods this month, I could buy a cargo for the vessel of 400. I was under the necessity of borrowing this paper from the Englishman, having none to keep my accounts. Do me the favour to tell M. Cézar, when he sends goods, to forward the small box containing beads that I bought in Bahia, the manifest of which I delivered to him; the box is marked C, by the mistake of the person who sold it. I do not ask you for anything else, as you may not be able to send it; and having nothing more to say, I wish you good health and happiness. I am, &c.,

(Signed)

M. J. DELGADO.

No. 31.

*From the Same to Senor Coimbra at Benin.*SENOR JOAQUIM GOMEZ COIMBRA, on board the brig "*Veloz*," Bobim. Gotto, August 10th, 1837.

I RECEIVED your long-looked for letter, in expectation of some pleasant news, as the letters which I had contained nothing but accounts of sickness. I am much relieved by your informing me of an improvement on the whole. I wish to have you with me as soon as possible; I have missed you much, for on the commencement of the business I was quite bewildered with the multiplicity of work; the only thing that carried me through it was knowing that I was disposing of the goods so rapidly. Had I more articles, I should to-day have had 200 slaves, for there are many more here waiting. Friend, the day that M. Coelho left this, I had an attack of fever, since which I am much better, thank God. I am now without anything to eat, no pork, nothing to season my dishes. I have nothing to send you but a few ochras which were picked yesterday; I had no time for anything more. I am very sorry to be under an obligation to the English gentlemen to make up my accounts. You can tell M. Cézar the same, and show him this letter; and tell him that the account of bars is a very great mistake of mine, for instead of 200 and so many, it was 1644. I have nothing more to say than I wish you were with me, as it is necessary that I should go down before the sailing of the "*Veloz*." Recommend me to all friends, to whom I wish health. I am, &c.,

(Signed)

MANOEL JOZE DELGADO.

Her Majesty's Commissioners to Viscount Palmerston.—(Received October 17.)

MY LORD,

Sierra Leone, May 30th, 1838.

WE have the honour to inform your Lordship, that on the 19th instant the British and Portuguese Court of Mixed Commission condemned the Portuguese schooner "*Dous Irmaos*," Jozé Rosecuta, Master, as good and lawful prize to the Crowns of Great Britain and Portugal, for being engaged in illicit Slave Trade; and at the same time emancipated 241 slaves, the survivors of 305, who were on board the detained vessel on the 2nd ultimo, at the time of her capture by Her Majesty's brigantine "*Forester*," Lieutenant Francis Seymour Nott commanding.

Our Report of the case, together with an Abstract of the Ship's Papers, and an Abstract of the Evidence, we have now the honour to enclose.

There is little to distinguish this case from those with which we have lately had to deal. The "*Dous Irmaos*," though provided with a Portuguese register from the Minister for Foreign and Marine Affairs at Lisbon, was, there is every reason to believe, a Spanish vessel owned at Havana, to which port she was conveying her *fourth* cargo of slaves (since clearing out from Lisbon in 1836), when she was fallen in with by the capturing cruiser.

We beg leave to request your Lordship's attention to the translation of the clearance of the "*Dous Irmaos*," in which the principal custom-house officer at Havana certifies, that "twelve casks or barrels, twelve others taken to pieces, for bringing back palm oil, and 3000 feet of boards," are part of the cargo shipped on board that vessel; nor is any mention made of a bond having been given or required.

It cannot be wondered at, that every facility for carrying on the Slave Trade should be readily afforded at Havana, and that the protection of the Portuguese flag should be readily granted to all who require it, when the Consul selected to enforce at that place the observance of the laws and treaties of Portugal, is one of the most extensive and notorious of the slave-dealers whose names are to be found on the records of the different Mixed Courts. The character and former occupations of Jozé Miguel Fernandez could not have been unknown at Lisbon; and we have little right to expect the faithful observance of the Portuguese Decree in the distant colonies of Portugal, when the Government of the mother country, as if to convince its officers of the insincerity of its public professions, at the same moment that it promulgates a law for the total abolition of Slave Trade, appoints such a well-known slave-dealer as Fernandez to enforce obedience to it, on the part of the actual or nominal Portuguese slave-dealers at Havana. This Don Jozé Fernandez appears to be the same person to whom the letter at page 49 of Class A of the printed Correspondence for 1831 was addressed by Edward Jousiffe, now a convict in Freetown gaol. In that letter Jousiffe offered to take a share in some of Fernandez's slave-vessels, and to ship him 1000 prime slaves yearly from the Rio Pongas.

We have, &c.

(Signed)

H. W. MACAULAY.

THOMAS COLE.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

First Enclosure in No. 33.

Report of the Case of the Portuguese Schooner, "Dous Irmaos," Jozé Rosecuta, Master.

THE history of this vessel, so far as it can be traced, is as follows. On the 3rd of February 1836, she was furnished with a register as a Portuguese vessel at Lisbon by the Viscount Sa da Bandeira; and on the 2nd of July following she cleared out from the Cape de Verde Islands for St Thomas'. In December of the same year she cleared out from Havanah for the river Bonny, and returned to Havana on the 24th of April 1837. She then again took her departure for the Coast of Africa in July, and returned in November following; and on the 23rd of December 1837, she left Havana on her *fourth* slaving voyage, and was happily captured on the 2nd ultimo, by Her Majesty's brigantine "*Forester*," with more than 300 slaves on board, who had been shipped the day before on the river Bonny.

The "*Dous Irmaos*" arrived in this harbour on the evening of the 11th instant, and was immediately visited and reported upon, by the Marshal and surgeon to the courts. The latter gentleman stated that it was represented to him by Mr. Fiddes, the prize master, that 55 of the slaves had died since capture from dysentery, and that 6 others had thrown themselves overboard and were drowned. Of the remainder, all appeared to be tolerably healthy except 45 persons, who were separated and marked

in the usual manner for hospital treatment. The landing of the whole was however earnestly recommended, on account of the very inadequate size of the vessel in which they were confined. This recommendation was carried into effect on the following morning, as soon as the vessel was admitted into Court.

Early on the 12th instant, Mr. Proctor Dougan, on behalf of Lieutenant Francis Seymour Nott, commanding Her Majesty's brigantine "Forester," and the officers and crew of the said brigantine, petitioned that the affidavit of the prize-master, authenticating the papers of the detained vessel, and verifying the facts of capture, might be received and filed, together with the captor's declaration; that the usual monition might issue; and that the witnesses in preparatory, whose names were endorsed on his petition, might be produced and examined on the standing interrogatories.

This petition having been granted, another was immediately presented, for permission to land the slaves, which was cheerfully complied with; His Honour acting Governor Cole having given orders for the immediate reception of the invalids into the lower hospital at Kissy, and of the remainder into the liberated African premises in Freetown.

The evidence in preparatory was taken on the 15th instant, and whilst it clearly established the guilty employment of the detained vessel, whether considered to possess a Portuguese or a Spanish character, it is evident that her Portuguese flag was assumed, in violation of the Portuguese law, merely for the purpose of covering Spanish property, and of protecting it from confiscation under the Equipment Article of the Treaty of the 28th of June 1835.

The affidavit of Mr. Fiddes, the prize-master, filed on the 6th instant, accounting for the deaths which had occurred amongst the slaves between the date of capture and the landing of the survivors at the Sierra Leone, averred that 62 slaves had died in that period, chiefly from dysentery, notwithstanding every care and attention on the part of himself and his prize-crew.

On the same day publication of the evidence was decreed; and Saturday the 19th instant, on which day the monition was returnable into the registry, was appointed for the adjudication of the case.

The sentence of the Court was, that the Portuguese schooner "*Dous Irmaos*," Jozé Rosecuta, master, be condemned as good and lawful prize to the Crowns of Great Britain and Portugal, and that the survivors of her slaves, 240 in number, be emancipated from slavery. It was moreover decreed that 305 slaves were on board the detained vessel at the time of her capture by Her Majesty's brigantine "Forester," of whom 62 died before, and two after, the arrival of the vessel in this harbour.

(Signed)

H. W. MACAULAY.
THOMAS COLE.*Sierra Leone, May 30th 1838.*

Second Enclosure in No. 33.

Abstract of Ship's Papers in the case of the Portuguese schooner "Dous Irmaos," Jozé Rosecuta, Master.

No. 1. A Passport or Register from the Viscount Sa da Bandeira, Secretary of State for Marine and Foreign Affairs, dated at Lisbon on the 3rd February, 1836, states that the Portuguese schooner "*Dous Irmaos*," commanded by José da Luz de Carvalho, and owned by Luis Monteiro de Ornellas, was authorised to proceed to Madeira, Cape de Verde Islands, Azores, and other Portuguese ports, to return to Lisbon. On the 2nd July, 1836, the Passport was visaed at the Cape de Verde Islands on the vessel proceeding to the Island of St. Thomas. It was again endorsed on the 23rd December, 1836, by the American Consul at Havana (performing the duties of Portuguese Consul at that port), on the occasion of the "*Dous Irmaos*" leaving the Island of Cuba for "the River Bonny, on the coast of Africa." Two other endorsements by José Miguel Fernandez, the Portuguese Consul at Havana, dated respectively on the 14th July and the 23rd December, 1837, show that the vessel left that notorious slave mart on two subsequent voyages, bound to the coast of Africa, under the command of the present master.

No. 2. A Matricula, or List of Crew, dated at Havana on the 22nd December, 1837, and signed by the Portuguese Consul, Fernandez.

No. 3. The following is a literal translation of this document:—"I, Don Tomas Rodriguez de Yurre y Echavarras, Honorary Commander in the army, and Principal of the General Custom-house of Maritime Duties to Her Majesty at this place, do certify that the Registry issued from this Custom-house to the Portuguese schooner named "*Dos Hermanos*" (Two Brothers), Captain Don José Rosecuta, bound for Princes Island, contains, amongst other Bills of Lading, that numbered eleven, of which the purport is the following:—Bill of Lading, No. 11. The above-named Captain registered twelve casks or barrels, twelve others taken to pieces, for bringing back palm-oil, a boiler for melting palm-oil, a bale of goods, and 3000 feet of boards, for the purposes for which they are fit. And by virtue of a decree of the First Administrator-General, I give the present at the Havana on the 22nd day of December, 1837.

(Signed)

TOMAS DE YURRE.

No. 108. "I, Jozé Miguel Fernandes, Consul of Portugal in the ports of the Island of Cuba, and resident in this city, do certify that the signature to the annexed document is from the own hand of Tomas de Yurre, Principal Accountant (or Auditor) of this Custom-house, actually authorised in this city, which signature he uses in all his writings, and to which all faith and credit are due, both in and out of a court of justice. In witness whereof, I pass the present, which I sign, and seal with the Royal Seal of this Consulate at Havana, on the 22nd day of December, 1837.

(Signed)

JOSE MIGUEL FERNANDEZ.

No. 4. A Custom-house Manifest, signed by Jozé Perez Santin, of the cargo shipped on board the "*Dous Irmaos*," and in which the casks, boiler, and plank, referred to in the last paper, are included.

No. 5. A Log-book.

Third Enclosure in No. 33.

Abstract of Evidence in the Case of the Portuguese Schooner "Dous Irmaos," Jozé Rosecuta, Master.

Captor's Declaration.

I, Francis Seymour Nott, commanding Her Britannic Majesty's brigantine "Forester," hereby declare that, on this 2nd day of April 1838, being in or about latitude 4° 13' N., longitude 7° 20' E., I detained the schooner named the "Dous Irmaos," sailing under Portuguese colours, armed with 1 gun, 8 pounder, commanded by Jozé Rosecuta, who declared her to be bound from the river Bonny to Havana, with a crew consisting of 17 men, 1 boy, no supercargo, and 2 passengers, whose names, as declared by them respectively, are inserted in a list at the foot hereof, and having on board 306 slaves, said to have been taken in the river Bonny on the 1st day of April 1838, and are enumerated as follows:—

	Healthy.	Sickly.
Men	186	4
Women	38	2
Boys	32	"
Girls	42	2
	298	8

I do further declare that this schooner appeared to be seaworthy, and was supplied with a sufficient stock of water and provisions, for the support of the said negroes and crew on their destined voyage to Havana.

(Signed) FRANCIS SEYMOUR NOTT,
Lieutenant Commanding.

Witnesses, (Signed) A. L. PANCHEN, Second Master.
JAMES M'NICOLL, Assistant Surgeon.

Examinations on the Standing Interrogatories.

No. 1.

Jozé Rosecuta, the Master of the detained vessel, having been produced, sworn and examined on the standing interrogatories, deposed that he was born in Genoa, and has lived in Havana for the last two years; that he formerly resided at Oporto, is a subject of Portugal, and has never served any other state; that he is not married; that he was appointed to the command of the detained vessel, and possession of her was given to him, about five months since at Havana, by Francisco Monteiro, a resident of that place, and a Spanish subject; that he first saw the said vessel at Havana about eight months since, and believes she is American built; that he was present when the vessel was captured for having slaves on board; that she sailed under Portuguese colours, and had no others; that he has never heard of the vessel being called by any other name than "Dous Irmaos;" that she is 64 tons burthen, and had a crew of 20 officers and mariners, exclusive of witness, part Portuguese and part Spaniards, all shipped and hired at Havana in December last by Francisco Perez the boatswain, who was himself shipped by Francisco Monteiro; that neither he nor any of the officers or mariners had any interest in the vessel or her cargo; that he was Master on board; that the last clearing port was Havana, and the voyage began, and was to have ended there; that from Havana the vessel proceeded to the Bonny, touching in the way at Cape Palmas for provisions; that on the arrival of the vessel in the Bonny, the supercargo, Francisco Monteiro, went on shore, and traded with the natives for slaves; that the capturing vessel was first seen on the 2nd of April about 25 or 30 miles outside the bar of the Bonny; that capture took place the same day after a short chase; that the "Dous Irmaos" was steering for Havana when fallen in with by the capturing ship, from which she made every endeavour to escape; that Francisco Monteiro, the supercargo, is, to the best of his belief, sole owner of the vessel; that he believes so, from having been shipped by him, and from his exercising supreme authority on board the vessel; that the said Monteiro is a Spaniard by birth, and witness believes unmarried, but he does not know where he lived before he resided at Havana; that the said Monteiro was lader and consignee of the cargo of slaves, who were to have been landed on the coast of Havana, on account and risk, as witness believes, of Monteiro, and would belong to him, if restored; that the former voyage of the vessel was from the river Bras to Havana with a cargo of slaves; that the outward cargo on the present voyage was shipped at Havana, and consisted of rum, tobacco, and dry goods; that the present cargo is slaves, 306 of whom were shipped altogether, all from the shore in the river Bonny; that none of the said slaves died before capture, but several have died since, though he does not know how many; that after capture the vessel was taken to Sierra Leone; that the vessel was under the management of Monteiro with regard to her trade.

No. 2.

Gabriel Domlão, the cook of the detained vessel, confirmed the Master's testimony in every particular to which he could depose, though his evidence was necessarily of a more limited nature.

No. 34.

Her Majesty's Commissioners to Viscount Pamerston.—(Received September 3.)

MY LORD,

Sierra Leone, June 4th, 1838.

WE beg leave to acknowledge the receipt of the copies of two Despatches from Her Majesty's Commissioners at Rio de Janeiro, containing their reports of the arrivals and departures of slave vessels, at and from that place, during the

months of November and December, 1837, and which papers were enclosed in your Lordship's Despatch of the 9th April, 1838.

We have, &c.

(Signed)

H. W. MACAULAY.
R. DOHERTY.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 35.

Her Majesty's Commissioners to Mr. Backhouse.—(Received September 3.)

SIR,

Sierra Leone June 30th, 1838.

IN pursuance of the Seventy-fifth Clause of an Act passed in the Fifth Year of the Reign of His late Majesty King George the Fourth, entitled "An Act to amend and consolidate the Laws relating to the Abolition of the Slave Trade," we have the honour to transmit enclosed a return of all cases of Portuguese vessels, adjudicated in the British and Portuguese Court of Mixed Commission, established at Sierra Leone, in the period from the 1st January, 1838 to this date.

We have, &c.

(Signed)

H. W. MACAULAY.
R. DOHERTY.

John Backhouse, Esq.
&c. &c. &c.

Enclosure in No. 35.

Return of Portuguese Vessels, adjudicated by the British and Portuguese Court of Mixed Commission, established at Sierra Leone, between the 1st day of January and the 13th day of June, 1838.

NAME OF VESSEL.	NAME OF MASTER.	DATE OF SEIZURE.	WHERE CAPTURED.		PROPERTY SEIZED.	SEIZER.	DATE OF SENTENCE.	Number of Slaves captured.	Number died before Adjudi- cation.	Total number Emanci- pated.	Decretal part of Sentence, whether Forfeiture or Restitution.	Whether Property condemned has been sold or converted; and whether any part remains unsold, and in whose hands the Proceeds remain.
			Latitude.	Longitude.								
Princenza Afri- cana	João Bufo.....	1837 29 Dec.	7° 21' N.	12° 40' W.	Schooner and 232 slaves.	Edm ^d . Norcott, Esq., H.B.M. brig "Curlew."	1838 10 January	222		222	Condemned for being engaged in the illicit traffic in slaves.	Vessel and stores sold by public auction, and the proceeds paid into the military chest.
Deixa Falar...	João Anastacio Baker	20 Nov.	5° 53' N.	4° 16' E.	Brigantine and 205 slaves.	Rob ^t . Craigie, Esq., H.B.M. sloop "Scout."	10 "	205	19	186	Ditto	Ditto
Gratidão	João Fernando Bouvier	23 Dec.	5° 40' N.	4° 15' E.	Brig and 450 slaves.	Ditto	19 "	452	72	380 ^a	Ditto	Ditto
Canoes	Ant ^o Gomes da Silva	28 Sept.	In the River Benin.		Brig and cargo.	W ^m . B. Oliver, Esq., H.B.M. schooner "Fair Rosamond."	22 "			^b	Restitution	Brig and cargo delivered up to the master.
Isabelita	Ant ^o Jozé de As- sumpção	5 Dec.	18° 19' N.	75° 33' 52" W.	Schooner and 160 slaves.	Tho ^s . Fraser, Esq., H.B.M. sloop "Sappho."	6 March	160	1	159 ^c	Condemned for being engaged in the illicit traffic in slaves.	Schooner and stores left at Port Royal Jamaica; and commission issued for the sale thereof.
Arrogante	Augusto César Medina	23 Nov.	21° 27' N.	84° 53' W.	Brigantine and 407 slaves.	Alex ^t . Milne, Esq., H.B.M. sloop "Snake."	6 "	407	75	393 ^d	Ditto	Vessel and stores sold by public auction, and the proceeds paid into the military chest.
Felicidades	Manoel F. Cardozo	1838 8 March	Off the Old Calabar River.		Brig and 559 slaves.	Rob ^t . Craigie, Esq., H.B.M. sloop "Scout."	17 April	559	148	408 ^e	Ditto	Ditto
Veloz	Joaq ^m . Ant ^o . Coelho	1837 23 Sept.	In the River Benin.		Brig and cargo.	W ^m . B. Oliver, Esq., H.B.M. schooner "Fair Rosamond."	4 May					Ditto
Dons Irmãos...	Jozé Rosecuta ...	1838 2 April	4° 13' N.	7° 20' E.	Schooner and 305 slaves.	Francis S. Nott, Esq., H.B.M. brigantine "Forester."	19 "	305	64	241 ^f	Condemned for being engaged in the illicit traffic of slaves.	Ditto

^a One man, one woman, and six boys died, and two men absconded after emancipation, and before their descriptions could be taken to be registered.

^b 116 natives of Africa were landed here from the "Canoes," the survivors, of whom seventy-one in number not having been claimed, were (on decree of restitution of the vessel being made) handed over to the Colonial Authorities by direction of the Court.

^c The slaves of the "Isabelita" were landed at Port Royal, in the Island of Jamaica.

^d The slaves belonging to the "Arrogante" were landed at Montego Bay, in the Island of Jamaica.
^e Three men absconded prior to adjudication, and are not included in the number emancipated, a con-
ditional decree of emancipation only having been passed on them; and three men, and one boy
died after emancipation, and before their descriptions could be taken to be registered.
^f Four men, one woman, and two girls died after emancipation, and before their descriptions could be
taken to be registered.

(Signed)

H. W. MACAULAY.
R. DOHERTY.

(Signed)

Sierra Leone 30th June, 1838.
M. L. MELVILLE,
Registrar.

No. 36.

Her Majesty's Commissioners to Viscount Palmerston.—(Received October 17.)

MY LORD,

Sierra Leone, July 31st, 1838.

WE have the honour to inform your Lordship, that on the 2nd instant the British and Portuguese Court of Mixed Commission condemned the Portuguese schooner "*Prova*," Francisco Jozé Dias, Master, for being engaged in the illicit traffic in slaves, and emancipated the survivors of the slaves, found on board of her at the time of her capture by Her Majesty's sloop "*Pylades*," William Langford Castle, Esq., Commanding.

The "*Prova*" was captured on the 3rd ultimo, whilst lying at anchor in the Calabar river, having just before taking on board a cargo of 225 slaves, and being on the point of getting underweigh for the purpose of conveying those slaves to Havana. She arrived in this harbour on the evening of Saturday the 23rd ultimo; and proceedings in the usual form were commenced against her on the following Monday, which were closed on the 2nd instant; when she was adjudged to be a good and lawful prize.

Our Report in this case we have now the honour to inclose, from which your Lordship will perceive that this is one of the ordinary cases of slave traders, owned and freighted at Havana, but sailing under the Portuguese flag, and with Portuguese papers obtained at the Cape de Verde Islands. The water-casks and slave-deck were, as usual, cleared out as part of the lawful cargo of the vessel.

Stress of weather and damage received at sea compelled the "*Prova*" soon after she left the Havana, to put into Charleston to refit; and she remained there for nearly three months. The outward appearance alone of this vessel would, it might be supposed, have excited suspicion as to the real object of her voyage; but it is surprising that, fitted and equipped as she was for the Slave Trade, and with her leaguers (shaken) and slave-deck on board, she should have been permitted to clear out from an American port for the Coast of Africa.

We have, &c.

(Signed)

H. W. MACAULAY.
R. DOHERTY.*The Right Hon. Viscount Palmerston, G.C.B.*

&c.

&c.

&c.

Enclosure in No. 36.

Report of the Case of the Portuguese Schooner, "Prova," Francisco José Dias, Master.

THIS vessel was furnished with a commercial passport, or register, from the Government of the Cape de Verde Islands, dated at Villa da Praia, in the island of St. Jago, on the 29th of December, 1835. She is therein stated to be of American build, to be owned by the notorious Luis Pereira de Mello, and to be commanded by Libano Agostinho de Campo. It does not appear that this passport was made use of for a long period after it was obtained; and the first endorsement upon it was made by Fernandez, the Portuguese Consul at Havana, on the 27th of July, 1837, when she cleared out from that place for the Island of St. Thomas', under the command of Francisco Jozé Dias, the present Master. The passport is again endorsed by the Portuguese Vice Consul at Charleston, on the 13th of November last, the vessel having been obliged to put into that port in distress a few days after leaving the Havana. The only other endorsement is in the following words,—“Boarded by H. M. B. “G. N. U.,” after a long chase, in latitude 4° north, longitude 3° 30'. He had his guns and muskets loaded, and states he is going to Calabar to land a passenger.” This memorandum is without any date; but we have reason to think that the initials or number is that of H. M. schooner, “Fair Rosamond.” The passenger, on account of whom it was pretended by the “*Prova*” that she was running into the Calabar, is presumed to be a person of the name of Andres Cibras, by whom a passport for St. Thomas', which is among the ship's papers, was obtained from General Tacon, the Captain-General of Havana, on the 26th of July last year.

In the official manifest and clearance from Havana, 20 bundles of shaken casks for bringing back palm oil, and 2000 feet of boards, are mentioned as part of the legitimate cargo; and it is remarkable, as a proof of the utter disregard of even ordinary forms by the authorities at Havana in despatching slave vessels, that whilst the Custom House clears out the “*Prova*” solely for the river Calabar on the 26th of July, the Portuguese Consul certifies on the following day, that she was cleared out solely for the Island of St. Thomas.

From the 24th of August to the 16th of November, the “*Prova*” was detained in Charleston. It does seem somewhat extraordinary that a vessel, both in appearance and fittings obviously destined for the slave trade, should have been allowed quietly to leave a port of the United States with her slave trade equipment on board, after such ample opportunity had been afforded of ascertaining the real object of her voyage. In the documents signed by the American Custom House officers it is stated, that the “*Prova*” put into Charleston in distress, and that no part of her cargo was landed.

CLASS A.

there. The cargo which she had on board is however described, and "20 bundles of shooks" are included in the description. This circumstance alone was, it would be supposed, calculated to cause suspicion.

From two log books found on board the prize, it appears that she came direct from Charleston, which she left on the 16th of November, 1837, to the river Calabar, which she did not reach until the 22nd of January, 1838, having been much impeded by calms.

After a lapse of rather more than four months, the guilty intention of the "*Prova's*" voyage was carried into effect, and a cargo of slaves was taken on board on the morning of the 3rd ultimo, immediately after which she was boarded, and taken possession of by the boats of H. M. sloop, "*Pylades*," William Langford Castle, Esq. commanding. A midshipman and prize crew were then placed on board the prize, and she was despatched to this place for trial.

On the 23rd ultimo the "*Prova*" came to anchor in this harbour; and the clean and comparatively comfortable condition of the slaves and the vessel, reflect great credit on Mr. Willoughby Gordon Macpherson, the officer who commanded her. The Marshal's report stated that 225 slaves had been on board the detained vessel at the time of capture, and that only 20 had died during the passage up. The surgeon represented that the slaves, generally, were thin and squalid, owing, as was represented to him, to their having been confined in barracoons for several months before their embarkation; that dysentery was prevalent among them, and that 54 cases of that disease would require to be treated in hospital; that the size of the vessel was quite inadequate to the numbers on board; and that it was desirable that the whole of the slaves should be landed as soon as possible. This recommendation was carried into effect on Monday morning, the 25th ultimo, the "*Prova*" having only arrived on Saturday evening, and it being therefore impossible to receive her into Court, or to present a petition for the landing of the slaves, until the following Monday morning.

The vessel was libelled in the British and Portuguese Court in the usual manner; and on the petition of the captor's Proctor, the affidavit of the prize-master, verifying the facts of seizure, and the authority of the seizor, and authenticating the ship's papers, was received; together with the captor's declaration and the inventory of stores found on board the detained vessel. A monition was issued to the Marshal, summoning all interested parties to appear on or before the 2nd instant; and the witnesses in preparatory, produced by the captor's proctor, were ordered to give immediate attendance, for the purpose of their being examined on the standing interrogatories.

On this occasion Francisco Jozé Dias, the Master of the detained vessel, deposed that he was born in Lisbon, and has lived there till within the last two years; that he now resides at Boa Vista, in the Cape de Verde Islands; that he has never served any State but Portugal; that he was recently married at Matanzas, where his wife now is, but only temporarily, as witness's house is at Boa-Vista; that he was appointed to the command of the detained vessel, and possession of her was given to him, at Havana, about 12 months since, by Don Gregorio Menendes, a resident in Havana, but, whether a Spaniard or a Portuguese witness is ignorant; that witness first saw the vessel there about a month previously, and believes she is Brazilian built; that he was present when the vessel was seized for having slaves on board; that she had no colours but Portuguese; that she is 91½ tons burthen, and has a crew of 23 officers and mariners, exclusive of witness, all of whom, except two Spaniards, were Portuguese subjects, and all were hired and shipped at Havana by witness in July last; that neither he nor any other of the officers or mariners had any interest in either vessel or cargo; that he was Master on board; that there was one passenger, a Spaniard, named Pedro Cibras, who was a clerk at Havana and was taken on board there for a passage to St. Thomas; that witness knows nothing further about him; that he was not taken to St. Thomas's, because his health would not permit of it, and that he had no interest or authority respecting the vessel or cargo; that the voyage commenced, and was to have ended, at Havana; that the last clearing-port was Charleston; that the vessel was proceeding on her voyage from Havana to the coast, when she carried away her jib-boom, and received other considerable damage, which compelled her to go to Charleston, where she remained about two months refitting, and thence sailed direct to the Calabar, where her slaves were shipped; that the capturing vessel was first seen outside the Calabar, on the day after the seizure of the "*Prova*" by her boats; that the capture took place within the bar of that river on the 3rd of June; that the name of the owner of the vessel is in the Passport, but witness does not recollect it, being personally unacquainted with him; that the owner resides at St. Jago, Cape Verde, and is a Portuguese by birth; that witness is ignorant of any bill-of-sale; that he believes the vessel, if restored, will belong to the party named in the Passport, and to no other person; that the consignee of the vessel at Havana, and the lader of the vessel there, was Don Gregorio Menendes, a resident merchant in that place; that witness was the purchaser and lader of the slaves shipped in the Calabar, and who were bought, by order of Menendes, with the goods shipped by that person at Havana; that the slaves were to have been landed at Havana, on account and risk of Menendes, and will belong to that person if restored; that the vessel was under witness's management with regard to her trade, and he corresponds with Menendes only; that he knows nothing of the former voyage of the vessel; that the cargo shipped at Havana was a general trade one; that the present cargo is slaves, of whom 225 were shipped altogether, all from the shore in the old Calabar River; that after capture the vessel was taken to Sierra Leone.

Ramon Peuá, the Cook of the "*Prova*," was the other witness examined; but his deposition is of no consequence, as he pretended ignorance on every point respecting which he was questioned.

The publication of the above evidence was decreed on the 26th ultimo; and, on the same day, the Prize-master was allowed to file an affidavit accounting for the deaths which had occurred among the slaves. By this document it appeared that 24 slaves had died between the 3rd ultimo and the landing of the survivors on the 25th ultimo, notwithstanding every care and attention on the part of the officer and seamen composing the prize crew.

A petition for a day of trial was then presented, which was answered by appointing Monday the 2nd instant for the purpose, the Monition issued on the 25th ultimo, being made returnable on that day.

When the Court met, a return from the Liberated African Department was presented by the Marshal, shewing that 7 slaves had died in the interval between their landing, and the sitting of the Court. The evidence taken in the case, of which an abstract has been given above, was read; and the illegal employment of the detained vessel at the moment of her capture, being fully admitted by all parties, the "*Prova*" was pronounced a good and lawful prize to the Crowns of Great Britain and Portugal; and the survivors of the slaves captured on board of her, 194 in number, were decreed to be emanci-

pated from slavery. It was also declared that sufficient proof had been produced, that 225 slaves had been on board the detained vessel when taken possession of by the captors, of whom 24 had died before the vessel could land her slaves in this colony, and 7 subsequently.

Sierra Leone, July 31, 1838.

(Signed)

H. W. MACAULAY.
R. DOHERTY.

No. 37.

Her Majesty's Commissioners to Viscount Palmerston.—(Received October 17.)

MY LORD,

Sierra Leone, July 31st, 1838.

WE have had the honour to receive your Lordship's Despatch of the 13th June, 1838, informing us that the attention of the Lords of the Admiralty had, under your Lordship's directions, been drawn to the circumstances under which the Portuguese brig "*Camoës*" was seized by Her Majesty's schooner "*Fair Rosamond*," and that their Lordships have expressed their disapprobation of the conduct of Lieutenant Oliver in this matter.

We have, &c.
(Signed)

H. W. MACAULAY.
R. DOHERTY.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

SIERRA LEONE. (*Netherlands.*)

No. 38.

Her Majesty's Commissioners to Viscount Palmerston.—(Received September 3.)

MY LORD,

Sierra Leone, June 4th, 1838.

WE have the honour to acknowledge your Lordship's Despatch, under date April 9, 1838, transmitting us twelve copies of an additional Article to the Treaty concluded at the Hague on the 4th May, 1818, between Great Britain and the Netherlands, for the suppression of the traffic in slaves. This important document has been deposited with the Archives of the British and Netherlands Mixed Court of Justice established at this place.

We have, &c.

(Signed)

H. W. MACAULAY.
R. DOHERTY.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

No. 39. }

Her Majesty's Commissioners to Mr. Backhouse.—(Received September 3.)

SIR,

Sierra Leone, June 30th, 1838.

WE have the honour to report, that no case has come before the British and Netherlands Mixed Court of Justice for adjudication, in the period from the 1st January 1838 to this date.

We have, &c.

(Signed)

H. W. MACAULAY.
R. DOHERTY.

John Backhouse, Esq.

&c.

&c.

&c.

SIERRA LEONE. (*Brazil.*)

No. 40.

Her Majesty's Commissioners to Viscount Palmerston.—(Received May 19.)

MY LORD,

Sierra Leone, February, 26th 1838.

WE have the honour to inform your Lordship, that M. Joaquim Feliciano Gomes arrived in this Colony a few days since from Rio de Janeiro, bringing with him a Diploma from the Regency of Brazil, by which he has been appointed Commissioner of Arbitration in the British and Brazilian Court of Mixed Commission established here, in the room of M. Santos, promoted to be Commissary Judge in the said Court, in the room of M. Silveira, deceased.

The Diploma of appointment produced by M. Gomes appeared to be in the regular form. The usual oath of office was accordingly administered to that gentleman on the 24th instant by his Honour the Chief Justice; and a British and Brazilian Court was held this day, for the purpose of installing M. Gomes in his new situation.

We have, &c.
(Signed)

H. W. MACAULAY.
WALTER W. LEWIS.

The Right Hon. Viscount Palmerston, G.C.B.
 &c. &c. &c.

No. 41.

Her Majesty's Commissioners to Mr. Backhouse.—(Received September 3.)

SIR,

Sierra Leone, June 30th, 1838.

WE have the honour to report, that no case has come before the British and Brazilian Court of Mixed Commissions for adjudication, in the period from the 1st January 1838 to this date.

We have, &c.
(Signed)

H. W. MACAULAY.
R. DOHERTY.

John Backhouse, Esq.
 &c. &c. &c.

No. 42.

Her Majesty's Commissioners to Viscount Palmerston.—(Received October 17.)

MY LORD,

Sierra Leone, June 31st, 1838.

IN our Despatch marked Brazil of the 26th February, 1838, we had the honour to inform your Lordship of the arrival in this Colony of M. Joaquim Feliciano Gomes, and of the installation of that gentleman in the British and Brazilian Court of Mixed Commission, as His Imperial Majesty's Commissioner of Arbitration.

We have now the honour to report the departure of M. Gomes on the 29th instant for England, on board the merchant barque "Lord Wellington."

No case came before the British and Brazilian Court during the short stay of M. Gomes in this Colony; it may therefore seem strange, that we should have anything to object to the official conduct of our colleague, from whom the only services required were, his presence in Court on the day of his installation, and the

payment every quarter of the Brazilian quota of the contingent expenses of the Courts of Mixed Commissions; in both of which respects his duty was punctually performed.

Soon after M. Gomes's arrival, it was observed that his chief, indeed almost his only associates, were the Captains and supercargoes of slave vessels; and this circumstance was generally remarked upon. The propriety of making a communication to your Lordship on the subject was then considered by us; but we thought it better to defer it on account of the daily expected arrival of M. Santos, the Brazilian Commissary Judge, whose correct conduct and better acquaintance with the English language, habits, and modes of thinking, would, we hoped, have an immediate and beneficial effect on his countrymen and colleague. In the meantime Mr. Macaulay wrote a note, a copy of which is enclosed, to M. Gomes, on the 22nd May last, to which, on the 8th ultimo, he received the enclosed reply. Mr. Macaulay's note, it will be observed, is private; the reply, official; it may therefore perhaps be supposed, that M. Gomes intends to found on that correspondence some representations to his own Government, or to the Brazilian Minister in London; and it is solely on this ground, that we venture to trouble your Lordship with copies of the letters in question.

We of course did not consider ourselves warranted in making officially to our colleague any comments on any part of his conduct; but we may now remark, that the first arrival of M. Gomes in the Colony was extraordinary, he having been landed on one of the Banana Islands about 30 miles to the southward of Cape Sierra Leone, in an open boat from a vessel, which had just before left the *River Gallinas*, and which, without coming to anchor, immediately made sail, as soon as the disembarkation of her passenger was effected.

We have, &c.

(Signed)

H. W. MACAULAY.
R. DOHERTY.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

First Enclosure in No. 42.

Mr. Macaulay to M. Gomes.

DEAR SIR,

Hunting Lodge, May 22, 1838.

IN order to prevent the imputation of my having acted in an uncivil or unfriendly manner towards a foreigner, a stranger, and an official colleague, I beg leave frankly to acquaint you with the reason of my not having called upon you for some time past. On the last two occasions that I called at your house, I found myself in the company of persons notoriously engaged in the Slave Trade, one of whom, indeed, was the master of a slave vessel, which had been condemned for slave trading a short time before. Such associations, both personal feeling, and a sense of what I owe to my public situation, compel me to avoid.

Having said thus much, in explanation of my conduct, and not for the purpose of dictating the course which you ought to pursue, whilst holding the situation of a judge in the British and Brazilian Court of Mixed Commission, I beg to assure you that now, as formerly, my house and my table, both in town and in the country, will always be at your service.

I am, &c.

(Signed)

H. W. MACAULAY.

Joaquim Feliciano Gomes, Esq. His Imperial Majesty's Commissioner of Arbitration.

&c.

&c.

&c.

Second Enclosure in No. 42.

(Translation.)

M. Gomes to Mr. Macaulay.

MY COLLEAGUE,

Kissy, June 8, 1838.

I HAVE received your official letter, edict, proclamation, the cause of which is apparent, but officially I do not conceive that you have any authority to give me orders, your appointment and my own being equal, and the edict or proclamation not viewing me in the light of an English subject. As to the latter part of your letter, wherein I am accused of a crime, I willingly reply to it; and only wish that you, my colleague, understood the Portuguese idiom, that you might know the force of your own expressions.

My house, table, and indeed, every thing has always been at your service, and were offered at the time with sincerity and friendship, but I was mistaken.

I regret that you say you do not come to my house because you met contraband traders, and persons with whom I ought not to associate, and also inform me that you would have wished to have had more of my society, but for these contraband traders. In the true sense of the word, they are men engaged in a contraband trade; but the owner of a ship, the captain, or a sailor, having a large fortune in his own country, and who is judged here, and thrown ashore in this colony, without the smallest means or protection; can such a situation be contemplated by any man of feeling, without his granting assist-

ance? The trade in which they are engaged is lost sight of; the destitute should always be respected; and this circumstance alone is sufficient to demand our aid.

As my colleague does not wish to come any more to my house, and I know not in what manner I have offended, it is of little consequence, the loss having resulted from so trifling a cause. As to my duties, whenever necessary, they can be communicated to me officially.

I am, &c.,
Your Colleague,

(Signed)

JOAQUIM FELICIANO GOMES.

H. W. Macaulay, Esq., *Her Britannic Majesty's Commissary Judge,*
&c. &c. &c.

(True Translation.)

(Signed)

W. F. MENDES.

No. 43.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, November 7th, 1838.

I FORWARDED your Despatch of the 9th September, 1837, to Her Majesty's Consul at Bahia, in order to ascertain the practice at that port, as to supplying Manifests of cargo to vessels cleared from thence.

I now transmit to you for your inspection a copy of the answer, which I have received to my inquiry.

You will perceive, that the authorities at Bahia do not furnish Manifests to vessels loaded at that port, but that such a document is generally provided by the Consignee; and that the Master of a vessel, or his agent, is bound to leave a copy of the Manifest at the Export Office, before the clearance of the ship can be obtained.

I am, &c.

(Signed)

PALMERSTON.

Her Majesty's Commissioners,
&c. &c. &c.

Enclosure in No. 43.

Mr. Consul Whateley to Viscount Palmerston, Bahia, July 26, 1838.

(See Class B. No. 228.)

No. 44.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, December 13th, 1838.

I HEREWITH transmit to you, for your information, a Copy of a Despatch which I have received from Her Majesty's Chargé d'Affaires at Rio de Janeiro, containing a return of Portuguese slave-vessels which entered the harbour of Rio de Janeiro during the month of August last, together with returns of vessels which had entered the port of Bahia from Africa, and which had cleared out from that port for the African Coast, during the months of June and July last.

I am, &c.

(Signed)

PALMERSTON.

Her Majesty's Commissioners,
&c. &c. &c.

Enclosure in No. 44.

Mr. Ouseley to Viscount Palmerston, Rio de Janeiro, September 24, 1838.

(See Class B. No. 210.)

No. 45.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, December 15th, 1838.

I HEREWITH transmit to you, for your information and guidance, Copies of Despatches and Letters which I have received respecting the slave-vessel the "*Flor de Loanda*," together with a Copy of a Despatch which I have addressed

to Her Majesty's Commissioners at Rio de Janeiro, and a Copy of a Note which I addressed to the Portuguese Chargé d'Affaires in this country, in answer to a Note from M. de Carvalho to myself, upon the subject in question.

I am, &c.

(Signed) PALMERSTON.

*Her Majesty's Commissioners,
&c. &c. &c.*

Enclosures in No. 45.

First. *Mr. Gordon to Viscount Palmerston, Rio de Janeiro, April 21, 1838.*

Second. *Her Majesty's Commissioners to Viscount Palmerston, Rio de Janeiro, May 21, 1838.*

Third. *Mr. Gordon to Viscount Palmerston, Rio de Janeiro, May 21, 1838.*

Fourth Enclosure in No. 45.

Mr. Wood to Mr. Strangways.

SIR,

Admiralty, August 6th, 1838.

IN return to your letter of the 1st instant, I am commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of Viscount Palmerston, a copy of a letter from Commander Charles Eden, late of the "Rover," dated the 3rd instant, and its inclosure in original, relative to the case of the "*Flor de Loanda*," slave schooner, detained by that vessel.

I am, &c.

*To the Hon. W. Fox Strangways,
Foreign Office.*

(Signed)

C. WOOD.

First Sub-Enclosure in No. 45.

Commander Eden to Mr. Wood.

SIR,

14, Half Moon Street, August 3rd, 1838.

IN compliance with the orders of my Lords Commissioners of the Admiralty, conveyed to me in your letter of the 2nd instant, I have the honour to forward the only document at present in my possession relative to the case of the "*Flor de Loanda*," slave schooner, detained by the "Rover."

I beg also to state that copies of the whole of the papers relating to the detention and trial of the "*Flor de Loanda*" may be expected in England by the next packet from Brazil.

I have, &c.

*To Charles Wood, Esq.
Admiralty.*

(Signed)

CHARLES EDEN,
Commander.

Second Sub-Enclosure in No. 45.

(Translation.) *Captor's Statement of the Case of the "Flor de Loanda."*

CHARLES EDEN, Commander of Her Britannic Majesty's corvette, "Rover," represented by his authorized agent, says, in vindication of the capture of the schooner, "*Flor de Loanda*," for illicit trade in slaves, as follows:—

The question of which we treat at present is the capture of the schooner "*Flor de Loanda*," by Her British Majesty's schooner, "Rover." She was taken on the 11th of April, of this current year 1838, off the Marica Islands, when she was navigating under Portuguese colours, and had 289 African slaves on board, in violation of the Treaties subsisting between Brazil and England, and also Portugal.

The captured individuals say that they embarked the Africans at Cabinda, intending to carry them to Montevideo, and dispose of them there as colonists or cultivators; and if the Government of Montevideo had not allowed them to be landed there, then to take them to Mozambique, with the view of employing them there in agriculture. This invention, containing a compound of fallacies, deserves not the least credit. The documents and despatches of the "*Loanda*" make no mention of cultivators. There is no passport for such cultivators on board, as is required by the Convention of 1817; and the last Portuguese Decree of the 10th December, 1836, expressly forbids the exportation of blacks from the ports of Africa, except under the circumstances, and with the formalities specified in that Decree.

There is no doubt that the expedition was destined for Brazil, where the slaves were to be landed. To prove this, an inspection of the log-book is sufficient, whence it appears that no storms during the voyage forced the vessel from her course, which sailed always straight for the coast of Brazil, and never for Monte Video, so that on the 4th April the following observation occurs in the Log-book:—"I navigated this day as is seen above in the Journal. At 5 o'clock we saw the islands of Martim Daz, and at noon I came in sight of the Isle of Trinidad, &c." And it is remarkable that after they had seen Trinidad, their course was direct for Cape Frio. On the 8th April the Log-book has this observation:—"The way we made to-day appears from the Journal; the wind was regular, the sea high. Upon examining the pump as usual, I found 20 inches of water, and ordered the working of it; an hour afterwards I found 16 inches, and the ship made every hour 16 inches." Whence it is manifest that the intention was to make some arrival, capable to excuse the schooner being met on the coast of Brazil with a cargo of slaves; and the arrival, by reason of a leak, was to have served as a pretext for his infernal plans. It is true that among the papers delivered to the captors, there is a statement of an arrival on the same date, the 6th April, yet there is no mention of a leak, the arrival being said to have been effected for the purpose of taking in water, as they had only 6 pipes of water left on board.

The groundlessness of that arrival is obvious from the fact that, on the 14th April, the day when the sloop-of-war entered this port with the captured schooner, there were still 6 pipes of water left, and that eight days after the arrival alluded to. Moreover, the reputed Master and Owner of the schooner deposed, in his interrogatory, that the excuse of the arrival was want of water and provisions, though in the entry nothing is said of provisions.

The First Mate says in his deposition that the leak was stopped up. Now, if it was so, it could not be till after the 7th of April, because the Log-book says, that on that day the vessel continued to make the same quantity of water; it is, therefore, extraordinary that they made no mention of so serious an accident in the protest of their arrival, which appears under date of the 6th of April. The truth is, that the pretended arrival did not take place on the 6th, but was invented some days after, perhaps at the very hour that the vessel was captured, when the perturbation of the Master and his crew made them forget what they had previously entered in the Journal.

In addition to all this, we have, as a proof of our assertion, the fact, that during the search made several days after the capture, two letters were found addressed to persons residing at Rio de Janeiro, which letters are among the proceedings.

The persons captured professed that the vessel in question is Portuguese, she having hoisted the flag of that nation when she was taken. Even thus she is not absolved from criminality, inasmuch as by the Convention between Portugal and Great Britain, Portuguese vessels are expressly prohibited from carrying on the Slave Trade to any port out of the dominions of H. M. F. M. Monarchy. The pretended destination for Mozambique alters nothing in this law, since it is not likely that they would carry Africans, as is pretended in the present case, from Cabinda, after touching at Mozambique, to Montevideo. Beside this, the same Convention directs that, with the view to the permitted Slave Trade to the south of the Equator, vessels must be furnished with a special passport, which is not found among the documents given up to the captors. Moreover, the last Decree of the 10th of December, 1836, expressly prohibits Portuguese vessels from trading in slaves.

To give any weight to the assertion about the nationality of the vessel, it would be necessary for the captured to prove that they navigated in conformity with the Portuguese laws now in force; but so far from it, they set all these laws at defiance, and yet insist that a vessel illegally navigating under the Portuguese flag is to be considered as national, and guaranteed as such by other Powers.

By Article 1316 of the Portuguese Code of Commerce, promulgated as a law the 18th of September, 1833, it is ordained, "That every Portuguese ship must be lawfully registered and navigated as such; the certificate of registry is one of the ship's papers." And by Article 1318 it is ordained, "That the ship's registration shall be effected in the Intendancy of the Port to which the ship belongs. A ship purchased from a foreigner or captured can only be registered in the Registry of Lisbon." And Article 1319 likewise says, "That the Register of a ship comprehends—1stly. The name of the ship; 2ndly. Her tonnage proved by the certificate of admeasurement with reference to her date (age); 3rdly. The name and surname of each of the owners and their respective residences; 4thly. The time of the respective acquisition of a share in the ship, with reference to the nature and date of the title, and the particular specification of the share of each shareholder." In Article 1379 it is likewise ordained, "That every captain of a ship undertaking a sea voyage to foreign countries shall be obliged to have on board—1stly. The registered title of the ownership of the vessel; 2ndly. A passport; 3rdly. A list of the ship's company; 4thly. The invoices and freight; 5thly. The receipts for the payment of the expenses of the port, of pilotage, and of every other description; also a copy of the Code of Commerce."

The register of the ship was the principal document which she ought to have had on board, it being the only one by which the property of a ship can legally be established. Now in the present case neither the register nor the documents above enumerated existed on board, with the exception of a passport from Loanda, and the list of the ship's company, but there appears no document relative to the voyage from this port to that.

Unquestionably, for want of the register and the other papers necessary to every Portuguese ship in virtue of the above Code, the Mixed Commission cannot recognise the schooner "*Flor de Loanda*" as Portuguese, for, by a just and laudable proceeding on the same principle, that Commission passed sentence in the case of the brig "*Orion*," in the beginning of 1836, which was similarly circumstanced.

This Portuguese Law was subsequently confirmed by the Decree of the 17th of December, 1836, which Decree was published by the Consul-General of the Portuguese nation in this capital, in the Journal of Commerce of the 1st of April, 1837, and of which the document No. 1. hereunto annexed, is a certified copy. The 1st and 2nd Articles of that Decree say: "1stly. With a view to the entering of the register of the Portuguese vessels established in Articles 1316 and 1320 of the Portuguese Maritime Code, there shall be kept in the Intendencies of the Marine of Portugal and its dependencies a book, in which shall be entered the registers of vessels, with all the designations expressed in the Code; 2ndly. An authentic certificate of the registry of each ship respectively shall be delivered to her owner or owners, or to the master lawfully authorized, and this certificate shall be the ship's document denominated 'Register.'"

From all these enactments, it is clear and unquestionable that, in order to call the "*Flor de Loanda*" Portuguese, it would be necessary for her to have on board a certificate of Registry, and the registered Title of the property of the ship. Since these documents are not in existence, she must be considered a pirate. The case is not amended by the forthcoming of the Passport and the list of the ship's company, made out in the port of Loanda, because, as the first and chief documents are wanting, these latter ones can only be looked upon as gratuitous, and prove the connivance of the authorities of Loanda, for the purpose of covering the illicit and infamous traffic of importing slaves into Brazil.

There is yet another circumstance showing the illegality with which the schooner "*Flor de Loanda*" navigated. It is customary among all nations for a ship armed with ordnance to be furnished with a License from her Government, or at least to have her armament mentioned in the ship's papers. The "*Flor de Loanda*" is armed with a piece of the caliber of a nine-pounder, mounted as a swivel, and with two other cannons of the caliber of six, likewise mounted; yet there exists no document to authorise such armament, so that the vessel in question has the character of a pirate.

Having established that the schooner "*Flor de Loanda*" can on no principle claim the title of a Portuguese vessel, we proceed to demonstrate the reasonableness of our principle, that the Mixed Commission may take cognizance of the question, and adjudge it in conformity with existing Treaties

CLASS A.

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since in her expedition are interested either Brazilian subjects, or persons residing in the Empire, and who, by their residence, have acquired a national character, in conformity with the law of nations.

It is a principle known in every country, and adopted by the law of nations, that a foreigner resident in another country, or domiciliated there, has acquired a national character of the country where he resides, or is domiciliated. The justice and wisdom of such a law are evident, because every one residing in a country is subject to, and obliged to conform with its laws; those of his own country being suspended while he is absent, and he not being liable to any obligation, inasmuch as it would be an injustice for a man to be obliged to conform with, or obey to, the laws of two Governments frequently following opposite systems.

Accordingly, it is manifest that every foreigner residing or domiciliated in Brazil is bound to conform with, or obey, the laws of the Empire, one of them being that of the solemn Treaty touching the prohibition of the Slave Trade concluded with England.

It is therefore unnecessary for the Mixed Commission to take cognizance of the question whether Brazilian subjects, born in the country, are interested in the enterprise, it is sufficient for us to establish that the expedition originated in Brazil, or that persons residing or domiciled in it, or having acquired the national character, are concerned in it.

In the question brought before this Mixed Commission, relative to the ship "*Maria da Gloria*," the Owner of the ship, and of the cargo of slaves, was a Portuguese, and resident in Brazil, and the expedition had its origin in this port. But at that time the law of nations, which directs that a foreigner, by his residence in the country, acquires a national character, was not well understood; but subsequently this question came to be discussed by the Brazilian and English Governments; and both Governments, in consequence, issued Instructions to the Mixed Commission, under the 29th October, 1835, which are very peremptory.

In the answers of the reputed Master and Owner of the "*Flor de Loanda*," Manuel Antonio Leixa Barboza, to the usual interrogatories, he confesses that the "*Flor de Loanda*" was an American bottom, bought by him in 1836, and that she performed a voyage that year to Loanda, and returned to this port in December, 1836, or January, 1837; that in May of the same year she made another voyage to Loanda, and that she is now returned. Thus it is clearly proved, that from the time of the purchase of this vessel, she has solely been navigating between this port and Loanda, and that the present enterprise had its origin in Brazil, under circumstances analogous to those of the "*Maria da Gloria*."

The same reputed Master or Owner of the enterprise says he is by birth a Portuguese, but he furnishes no document to prove what he says in this respect. He at the same time confesses that it is now ten years since he came to this port; that he has served six years as purser; and during the last four years he has been an itinerant merchant between the Brazilian and foreign ports. Hence the proof is complete from his own confession, that the reputed Owner of the vessel, and of the venture, is by birth a Portuguese, and that by his residence in Brazil he has also acquired a national character. Perhaps he will allege that, by having, during the last four years, been moving about as a merchant, he has lost the national Brazilian character which his previous residence had obtained for him. Our reply to this is, that the circumstance just mentioned could not have lost him the acquired character of a Brazilian, seeing that, as his voyages have been undertaken to ports of the Empire, they were in nowise contrary to his character of residence; and as he has constantly returned to this capital, which was his domicile, it is evident that the character which he had acquired still subsists. It does not appear that he, on any occasion, returned to Portugal; and as he has not particularised the foreign ports visited by him, we have every right to presume that the foreign ports to which he refers in his deposition are those of Loanda and Cobinda; and since he bought the "*Flor de Loanda*," in January, 1836, and has been navigating in her between this port and that of Loanda, it is evident that he has never abandoned his domicile at Rio de Janeiro, having always returned thither.

This question relative to the acquisition of national character by seafaring men has been argued before Sir William Scott, the celebrated Judge of the English Court of Admiralty, and in Vol. I., p. 17, of the Admiralty Reports, we find the following decision on the subject of a ship which was originally Dutch, but was sold in Holland to a Prussian subject at Emden, who was a natural born subject of Prussia, and master of the ship. The question turned on this, whether the master, by the law of nations, was to be accounted a Prussian or a Dutchman, seeing that for ten previous years he had been navigating from Amsterdam, a port of Holland. Says Sir W. Scott on this question:—"The first distinction is taken as to the national character of the master, but I think that he has little right to be considered as a Prussian subject; he is a single man, that has no established domicile from family relations, and he has for ten years constantly employed himself in navigating from Amsterdam to Greenland; by such an occupation he is divested of his national character, and becomes by adoption a perfect Dutchman." The present case is analogous. The master and owner of the "*Flor de Loanda*" is single, and has no established home by family relations; and he has for ten years constantly employed himself at Rio de Janeiro, or in sailing from and for this port; therefore he has acquired the national character of a Brazilian, and is subject to all the laws of Brazil.

Besides what we have said respecting the reputed master and owner of the vessel having acquired by his residence a national Brazilian character, we beg the attention of the most illustrious judges to the deposition of Francisco Jozé de Souza Pimenta, the first mate, who says, that he is single, born at Porto, and 23 years of age. This individual deposes that when 6 years old he came to Brazil, and that he resides at Pernambuco, whence he has made several voyages as well to the coast of Brazil as to Africa, and that he has his family at Pernambuco; consequently there can be no doubt that he has acquired a national Brazilian character by the choice he has made of Brazil for his residence, a choice the more established by the fact, as during his residence he passed the epoch of 20 years of age, the time when the law directs the emancipation of a male; hence the choice of nation for one's country at that age is the most solemn.

We now proceed to state some facts relative to another class of persons found on board the vessel in question. Thomas Jozé Luis de Oliveira, who by his passport declares himself to be a Brazilian, and by his deposition owns to it, as also that he was a passenger in this vessel at her departure from this port in the month of March of last year, the time when the present voyage commenced, and that he is now on board the same vessel in her return voyage. Notwithstanding that this individual avers that he has no interest in the cargo of slaves, and that he even did not know that the vessel was about to carry such a cargo, his ignorance is against all credibility. Can it be possible that a man should

embark for the Coast of Africa on the 11th of March, 1837, remain at Loanda with the same vessel to the latter end of February, 1838, and a second time take his passage in her, and notwithstanding all the knowledge which he, only by this continued sojourn on board the vessel, must have acquired, should know nothing of the object of the voyage? No one can credit this. But it seems unnecessary to prove the direct participation of the said Oliveira, a Brazilian subject, in the negociation of the illicit Slave Trade, inasmuch as, by his being on board, the participation or interest he had in such enterprise, is in some manner established. We see by the 1st Article of the Treaty between Brazil and England that Brazilian subjects are not allowed to carry on the Slave Trade to the Coast of Africa, under any pretext or in any way whatsoever. Assuredly the spirit of this article goes to forbid subjects of the empire to navigate in any vessel, even under the denomination of passengers, when such vessel is engaged in the illicit traffic. The latest law enacted last year by the senate in respect to the Slave Trade, expressly ordains that all persons found on board a vessel carrying slaves, beside the chief agents, are accomplices, and as such liable to punishment. The Portuguese Decree of the 10th December, 1836, art. 19, sect. 2, also considers as accomplices all those individuals found on board ships employed in the traffic; hence it is clear and evident, that the sojourn on board the vessel in question of the said Brazilian subject, is a sufficient ground for considering the expedition as Brazilian.

It is true that the said Oliveira and the other reputed passenger, Manoel Joze Borges de Carvalho, own to both of them having sailed in the vessel referred to as passengers in their voyage to the Coast of Africa, and having returned in her. But referring to the Journal of Commerce of the 13th May of last year, document No. 2, annexed, we find the announcement of the departure of that vessel, but not the names of those passengers, which shows the mystery there is with regard to those individuals, and the character in which they figure on board, and consequently the little faith deserved by their allegations in respect to the object of, and their interest in, the voyage.

It might seem that we have said more than enough to convince the most illustrious judges that the adventure of the "*Flor de Loanda*" is Brazilian, but we have still to produce a fact which abundantly proves that both vessel and cargo have incurred the penalties denounced in the Treaty and Conventions between Brazil and England. It is manifest from the examination that the "*Flor de Loanda*," immediately after her purchase, made a voyage to Loanda prior to the present, and returned to this port; and from the Journal of Commerce of January, 1837, document No. 3, annexed, the entry of the vessel into this port appears, being recorded thus:—"Entries on the 8th; Angola, 32 days; Portuguese schooner "*Flor de Loanda*," 90 tons, Francisco Silveira, Master; crew 12, in ballast; to Joaquim Azevedo Castro: she was impeded."—[detained, captured?]

Now, in the Registry of the vessel for the present voyage, are entered two blacks, José Antonio and Manoel, among the crew, and it is declared that these are the slaves of Joaquim de Azevedo Castro, evidently the same person to whom the vessel was consigned at her entry on occasion of the former voyage, and, consequently, who despatched her on her present voyage. The reputed Master and Owner of the vessel, on being interrogated with regard to the two blacks, declared, in his depositions, that they are the slaves of Joaquim de Azevedo Castro, and that he is a merchant established in the street Quisanda in this city.

It is unnecessary for us to advance anything as to the nationality of this owner of slaves, inasmuch as it is proved that he is a merchant established in this capital, and therefore he has acquired a national Brazilian character. Were it not so, the traffic which is illicit for the Brazilian, would become allowable to the foreign resident in the country. But, even in the case of the owner of these slaves being a foreigner, it does not follow that the slaves ought to be accounted foreigners, for, having been purchased in the country, they must be considered as Brazilians. But, however that may be, their presence on board proves that persons residing in the country are interested in the illicit voyage.

For all these reasons, and for others which the Illustrious Judges will supply, they will find it necessary to declare the freedom of the Africans found on board, and will condemn the vessel, together with whatever cargo she may have laden, according to, and in conformity with, the Treaty between Brazil and Great Britain, of the 23rd November, 1836, and the Conventions to which that Treaty refers.

Fifth Enclosure in No. 45.

Sir John Barrow to the Hon. W. Fox Strangways.

SIR,

Admiralty, 7th September, 1838.

WITH reference to former correspondence respecting the "*Flor de Loanda*," and "*Cesar*," captured for illicit traffic in slaves, I am commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of Viscount Palmerston, a Letter from Captain Herbert, of the "*Calliope*," dated the 2d of July last, and its Enclosures, relating to these vessels.

I am, &c.

(Signed)

JOHN BARROW.

The Hon. W. Fox Strangways.

First Sub-Enclosure.

Captain Herbert to Commodore Sullivan, C. B.

SIR,

Her Majesty's Ship "Calliope," Rio de Janeiro, 2d July, 1838.

I BEG leave to enclose, for your information, a Communication addressed to me as the Senior Officer in this port, by Sir George Jackson, the Senior British Judge in the Mixed Commission Court, relative to some blacks abstracted from the slave-vessels under the charge of Lieutenant Bowers, then commanding the "*Wizard*," together with his statement of the particulars, and my instructions on the occasion; also some communication from Mr. Stevenson on the same subject.

I have, &c.,

(Signed)

J. HERBERT, *Captain.*

Commodore Sullivan, C. B., Her Majesty's Ship "Stag."

Second Sub-Enclosure.

Sir George Jackson to Captain Herbert, R.N.

SIR,

Rio de Janeiro, 26th June, 1838.

THE accompanying representation was made to the Court on the 23rd instant. For the reasons stated by them they refrained from considering it at all, but, as it will be the duty of the British Commissioners to transmit the same for the information of Her Majesty's Government, together with the Letter from Mr. Armitage, to Lieutenant Bowers of the 21st instant, submitted to the Court at the same time by Mr. Stevenson, I think it right that you shall be apprised of the circumstance, and only fair to those officers that they also should be informed thereof.

I therefore, according to your desire, conveyed to me through Lieutenant Bower, forward for your information through Mr. Stevenson, a copy of the representation in question.

Captain Herbert, R.N.
&c., &c., &c.

I have, &c.,

(Signed)

GEORGE JACKSON.

Third Sub-Enclosure.

Translation of the Petition of Manuel Antonio Teixeira Barboza to the Mixed Commission, and the Decision of the Commissioners as to the same.

MOST ILLUSTRIOUS MEMBERS OF THE MIXED COMMISSION,

MANUEL Antonio Teixeira Barboza, Master and Owner of the schooner "*Flor de Loanda*," captured by Her Britannic Majesty's corvette "*Rover*," the passenger Maga, the pilot, and four seamen of the same schooner, represent to your worships the heinous violence practised against them by order of the Commander of the brig "*Wizard*," which, without doubt, will continue for some time, if your worships do not immediately assist them with some effectual measure.

Sirs, yesterday the 22nd instant, the frigate "*Calliope*," Captain Herbert, having gone out to cruize, under whose guard was the said schooner, and this Captain having intrusted that guard to that of the said brig "*Wizard*," it happens that in place of his imitating the conduct of his antecessor, he yesterday ordered that the petitioner should be loaded with irons during the night, which despotic and arbitrary order was executed, and will be every night, according to the recommendations of the Commander of the said brig; and in this manner, Sirs, the petitioners are suffering, and will continue to suffer under the prepotency, heinous despotism, and barbarity of this officer. Which proceeding becomes more scandalous and revolting when already a similar one on the part of the Commander of the above-mentioned capturing corvette was reprehended, when he put in irons the petitioners, the Master, and passengers of the schooner. To what has been said, Sirs, is to be added, that the petitioners thus fettered were thrown into the hold, where they passed all the night, suffocated with heat and pestiferous and insupportable vapour; which if it continues, will certainly shorten the days of the petitioners who are unable to resist such sufferings, to inhumanity, and to ignominy, being treated like beasts or bales, or rather as vile beings and criminals. And as, Sirs, the petitioners are intimately convinced, that such atrocity in violation of all laws human and divine, and of all the treaties which tend to straighten more and more the bonds of union and unity between civilised and friendly nations, never can have the approbation of Her Britannic Majesty, and as the petitioners are also persuaded, that the Most Illustrious Commission will not consent that their dignity and authority shall be set at nought, nor that, within this port, shall be practised a violence and barbarity so atrocious and unheard of, by this officer and Commander of the forementioned brig, without respect for the honour and dignity of the Brazilian nation and of his Imperial Majesty; therefore they hope and ask, your worships will be pleased to take into consideration what has been said, and take necessary and prompt measures for the termination of such arbitrary proceedings.

(Signed)

BERNARDO AUGUSTE NASCENTES DE AZAMBIQUE.

As Attorney.

Decision by the Mixed Commission to the above Petition.

The schooner "*Flor de Loanda*" being out of the jurisdiction of this Commission by the definitive sentence given in her case, the petitioners should apply to the agent of their nation, here resident, to take the measures which he may think proper.

(Signed)

CARNEIRO.
J. JACKSON.*Rio de Janeiro, 23rd June, 1838.*

Fourth Sub-Enclosure.

Lieutenant Bowers to Captain Herbert.

SIR,

Her Majesty's Brig "Wizard," Rio de Janeiro, June 25, 1838.

MR. ARMITAGE, Mate, in charge of the slave-vessel, "*Cæsar*," has reported to me that he found two slaves had been taken from that vessel on the night of the 20th instant. Mr. Armitage states, that they must have been stolen whilst the sentry was trimming his lamps on looking out abaft, and he believes that Joa Natio (prisoner) had preconcerted a signal with some one in a canoe for effecting the theft. On the morning of the 21st, I found that two prisoners had escaped from the brig; under these circumstances, and also knowing that a sentry, on board the "*Brilliant*," refused a bribe to permit two slaves (boys) being taken out of the vessel, I have ordered that the prisoners on board the slavers be put in irons every night at sunset, and that they have no communication with their friends, or any other person, as this theft could not have been made without a previous arrangement, and small canoes are continually in the habit of dodging round the prizes, and when chased and come up with, they are found with a line over the side, and say they are fishing. I cannot interfere with them, although it is evident from their being night after night in the same place, their intention is to wait a signal from either of the prizes, for a fit opportunity of coming under the bow to steal slaves. Sir George Jackson has informed Mr. Stevenson, that my conduct is illegal. The prisoners have re-

monstrated against my orders; but as those slaves were stolen when the "Calliope" was here, they certainly would be more likely to attempt it now with a better chance of success, unless I took those additional precautions, and if the prisoners find it hard to be in irons all night, they must recollect that some of them, at all events, were concerned in stealing the slaves, therefore, it is brought on themselves. I do not intend to rescind my order, and I hope my conduct will meet your approval. The Master of the "*Flor de Loanda*" has protested against Captain Eden for damages, and Mr. Stevenson informs me it is not of the least consequence, and it is only done for annoyance.

I am sorry to add, that the small-pox has appeared amongst the blacks of this vessel, and I have taken every precaution I can think of, for preventing the disease from spreading amongst the other slave-vessels, and have also informed the Health-office, through Mr. Stevenson, of the circumstance, that they may take their own measures for preventing the contagion from getting into the city: this, at all events, must put an end to any idea of the vessel going to sea.

Since writing the above, I received a communication from Mr. Stevenson, acquainting me that the Portuguese Consul wished me not to confine the Masters of the vessels, "*Flor de Loanda*" and "*Brilhante*" in irons. I replied that I did not do so until I was obliged, but that, if the Consul would meet our wishes about the "*Flor de Loanda*," I would do every thing in my power to meet him. I enclose Mr. Stevenson's reply, and I have acted under his advice, as far as removing the Master of the "*Brilhante*" to the "*Wizard*;" but, as I think it likely the "*Flor de Loanda*" may be put in quarantine to-morrow, I have delayed the removal of the other, until I hear what steps the Health-office intend to take about this vessel.

I have, &c.

(Signed)

J. BOWERS, Lieutenant Commanding.

Captain Thomas Herbert, Her Majesty's Ship "Calliope."
&c. &c. &c.

Fifth Sub-Enclosure.

Captain Thomas Herbert to Lieutenant Bowers.

SIR,

His Majesty's Ship "Calliope" off Rio de Janeiro, June 26, 1838.

I HAVE to acknowledge the receipt of your communication of the 25th instant, received this afternoon, and regret much that any of the slaves should have been stolen from the vessels under your care, although satisfied of your having done every thing for their security.

Those abstracted from the "*Cæsar*" on the 20th instant, were never reported to me, and I was in total ignorance of the circumstance till mentioned in your communication of this afternoon. I would advise your following the advice of Mr. Stevenson and Mr. Gordon, on all points connected with the prize-crews and prisoners, recommending, however, as far as it is consistent with your duty, as much leniency as possible. Should the Health-office determine upon placing the "*Flor de Loanda*" in quarantine, their wishes must be complied with.

My absence from port will be of short duration, and in returning the enclosures, which being in Portuguese, I do not understand, having no interpreter,

I have, &c.

(Signed)

THOS. HERBERT, Captain.

To Lieut. Bowers, Her Majesty's Brig "Wizard" off Rio de Janeiro.

Sixth Sub-Enclosure.

Mr. Stevenson to Captain Herbert.

SIR,

Rio de Janeiro, July 1, 1838.

THE enclosed despatch from Sir George Jackson was delivered to me yesterday afternoon open, for my perusal, and with a request that I would transmit it to you; I have delayed doing so, in order that I might accompany it with a translation of the extraordinary document it refers to, a complaint of the Master, and others of the "*Flor de Loanda*," for being put in irons by order of Lieutenant Bowers.

It is unnecessary for me to make any remark upon the measure resorted to by Lieutenant Bowers for the security of the prisoners on board the slave-vessels, and the protection of the slaves from being stolen during the night, as that gentleman will, no doubt, have reported to you the whole of the circumstances of the case.

What astonishes me is, that, after the Mixed Commission have explicitly declared in their despatch to the petition of the Master of the "*Flor de Loanda*," that they had no jurisdiction in the case, yet still Sir George Jackson should think of addressing Her Majesty's government on the subject. It appears to me that the matter at issue altogether relates to the police, and discipline on board of Her Majesty's vessels of war, and with which the Mixed Commission has nothing whatever to do, whether the parties belong to a prize-vessel, under their jurisdiction or otherwise; therefore, in the present case, there seems to be a certain unauthorised and officious intervention on the part of Sir George Jackson, which I cannot reconcile with his restricted authority as one of the Commissary Judges of the Mixed Commission.

In the case of the "*Flor de Loanda*," there have occurred so many complaints on the part of the Master, against the conduct of the captor, and which unfortunately have been too much countenanced by the members of the Mixed Commission, that I would suggest the propriety of Her Majesty's Government adopting some measures to prevent the recurrence of similar complaints.

The most serious accusation made by the Master of the "*Flor de Loanda*" was, that of the captor's having sold some of the slaves, and he alleged that two of those slaves could be produced on shore.

From the first, I never doubted but that the story was a fabrication, and it turned out that he was unable to support it with any proof whatever. But on the 23rd of last month, Mr. Armitage reported to me that two of the slaves had been stolen on the night previous, from on board the vessel under his charge, the "*Cæsar*," it immediately occurred to me to be probable, that a similar occurrence had

taken place on board the "*Flor de Loanda*," and upon this, the parties connected with that vessel had trumped up the story of slaves having been sold by the captors.

For this, and many other reasons, it would be highly desirable that, when a vessel with slaves is captured, the crew should not be allowed to remain on board, either of the captured vessels or that of the captor, longer than is necessary, or after they have been interrogated by the Mixed Commission Court. I would therefore suggest, that application be made to Her Majesty's Chargé d'Affaires to make arrangement with the Brazilian Government similar to that which is followed at the Havana, where, whenever the Master, and two or three of the crew of the captured vessel, have appeared before the Court to be interrogated, (which is generally concluded on the first or second day after the arrival of the vessel in port,) the Master, and the whole of the crew, are transferred to the custody of the civil authorities on shore, with the understanding that they are to be forthcoming to the Mixed Commission Court when called for. Were such an arrangement as this adopted, it would tend to prevent in future such vexatious and unfounded complaints as those referred to.

(Signed)
Captain Herbert, Her Majesty's Ship "Calliope."
&c. &c. &c.

I have, &c.
DAVID STEVENSON

Sixth Enclosure in No. 45.

Her Majesty's Commissioners to Viscount Palmerston, Rio de Janeiro, August 28, 1838.

See No. 127.

Seventh, ditto to Viscount Palmerston, Rio de Janeiro, Sept. 26, "
See No. 131.

Eighth, Mr. Ousely to Viscount Palmerston, Rio de Janeiro, " 14, "
Class B. No. 208.

Ninth, Mr. Carvalho to Viscount Palmerston, London, Nov. 15, "
Class B. No. 146.

Tenth Enclosure in No. 45.

Sir John Barrow to Mr. Backhouse.

SIR, Admiralty, 3rd December, 1838.
I AM commanded by my Lords' Commissioners of the Admiralty to send you herewith, for the information of Viscount Palmerston, copies of two letters from the senior officer of Her Majesty's ships at Rio de Janeiro, and of their enclosures, respecting the "*Flor de Loanda*," a slave schooner, captured by Her Majesty's sloop "Rover."

To John Backhouse, Esq., &c. &c. &c.
Foreign Office.

I am, &c.
(Signed) J. BARROW.

First Sub-Enclosure.

Commodore Sullivan to Mr. Wood.

SIR, H. M. S. "Stag," Rio Janeiro, 4th September, 1838.
I HAVE the honour to acquaint you that the prize slave schooner, "*Flor de Loanda*," sailed from this port on the 24th ult., in company with Her Majesty's ship, "Sparrowhawk," which vessel I directed to see her 20 leagues to the eastward of Cape Frio, and then proceed to the river to relieve the "Electra."

On the 30th ult. the "*Flor de Loanda*" again returned to this port, having sprung a serious leak, and being with difficulty kept afloat by baling, her pumps being choked. She is now clearing out and stripping preparatory to heaving down, to ascertain the full extent of the defects in her bottom.

I herewith enclose the copy of a letter from Mr. Whaley Armitage, the mate in charge of that vessel, to me, reporting his proceedings.

To T. Wood, Esq., M.P., &c. &c. &c.
Admiralty.

I have, &c.
(Signed) J. B. SULLIVAN, Commodore.

Second Sub-Enclosure.

Report of Commission of Survey.

Pursuant to an order from Commodore Thomas Ball Sullivan, C.B., Commander-in-Chief of Her Majesty's ships and Vessels on the East Coast of South America, and to us directed.

We whose names are hereunto subscribed have been on board the prize slave schooner, "*Flor de Loanda*," and having held a strict and careful survey on the vessel, we find as follows:—

We find her floor timbers rotten; that she is making a great deal of water; and in her present state we consider her totally unfit to go to sea.

Given on board the prize slave schooner "*Flor de Loanda*," 14th September, 1838.

(Signed) H. D. FOSTER, Lieutenant, } H. M. S.
J. BROWN, Master, } "*Stag*."
JOHN BLACK, Carpenter.

Approved. (Signed) J. B. SULLIVAN,
Commodore and Commander-in-Chief.

Third Sub-Enclosure.

Mr. W. Armitage to Commodore Sulivan.

SIR,

Prize Schooner "Flor de Loanda," 30th August, 1838.

I HAVE the honour to state, for your information, that after completing our water from Her Majesty's ship, "Sparrowhawk," on the 27th inst., a fresh breeze from E.N.E. came on about 7 P.M. Cape Frio bearing N.E. 30 miles at 11 P.M., we discovered the vessel under my charge had sprung a serious leak, the water being nearly up to the slave deck. I immediately hove to and fired minute guns, and burned a blue light as signal to Her Majesty's ship, "Sparrowhawk," some distance on our lee-beam, which was not answered. The pumps becoming choked we had recourse to baling; finding the leak still gaining on us, I wore round on the starboard tack, the vessel now nearly unmanageable, and in a sinking condition: she shipped a sea, which damaged the coppers, as to render them of no further use. Under these circumstances I recommenced easing her, by heaving overboard two guns, spare anchor, 40 bags of farina, 30 bags of beans, 1810 lbs. carne seed, 8000 billets of wood. Daylight, on the 28th inst. I stood under easy sail for this port, the water at times gaining on us. After starting 12 tons of water and clearing the fore parts of the vessel, we found three bad leaks on the larboard side of the keelson. Being fortunate enough to get one of our pumps to work, we continued pumping and baling, the whole of the night keeping under easy sail.

Clearing away the after part of the hold on the 29th, we found another leak the starboard side the keelson, and when she laboured nearly the whole of the starboard side about two streaks up.

The exertions of our crew, as well as the prisoners, have been very great. The negroes becoming frightened were little or no use. I have the honour to transmit with this the log of our proceedings up to this date, which I trust, under all circumstances, will meet with your approval.

I have, &c.

(Signed)

WHALEY ARMITAGE
Mate in charge of prize schooner
"Flor de Loanda."

To Commodore J. B. Sullivan, C. B., &c. &c. &c.
Rio de Janeiro.

Fourth Sub-Enclosure.

Commodore Sullivan to Mr. Wood.

SIR,

H. M. ship "Stag," Rio de Janeiro, 13th September, 1838.

THE difficulties thrown in the way of the Mixed Commission Court at this place in the case of the slave schooner, "Flor de Loanda," detained by Her Majesty's sloop, "Rover," in April last, leaving no hope of final adjudication here, I had determined on sending her to Sierra Leone, and on the 24th of August she left this port for that destination, but on getting to sea she was found so leaky, and perfectly unseaworthy, that the mate in charge found it necessary to throw overboard many articles, including much of the provisions for the negroes; and after experiencing excessive fatigue at the pumps, and in baling, she returned here on the 30th ult. with her crew and many of the negroes exhausted.

I immediately ordered the master of the "Stag" to inspect her, and it was found indispensable to lighten her as much as possible to keep her afloat.

My applications to the Brazilian authorities, through Mr. Ouseley, Her Majesty's Chargé de Affaires, for the loan of a hulk for the use of the slaves, or to take charge of them during the time she might be under repair, proved utterly unavailing, and it is very questionable whether the hull is worth the expense of such extensive repair as she stands in need of.

In order, therefore, to make some approach towards the settlement of this troublesome case, I take advantage of the arrival here of Her Majesty's store ship, "Buffalo," to send by her to England the mate in charge, the master of the "Flor de Loanda" and two others of her crew as witnesses towards adjudication.

In taking this step I am led to hope I shall meet their Lordships' concurrence, supported as I conceive it to be by the case of the "Traga Milhas," which is so nearly parallel. This vessel was seized by Her Majesty's sloop, "Racer," on the 11th of June, 1837, and being found unfit for sea, was left in charge of the superior officer of Jamaica Dockyard to await adjudication of the case. The slaves having been previously landed at Port Antonio, and the prize officer with the vessel's papers, and the Portuguese master of her were sent to Sierra Leone by way of England.

I beg leave to inclose a report of survey this day taken on the "Flor de Loanda" by officers of this ship. She has been dismantled, and will be kept in a sufficiently efficient state to contain the negroes until she shall be finally disposed of, or until I receive their Lordships' commands respecting her.

I have the honour to be, &c.

(Signed)

J. B. SULLIVAN, Commodore.

W. C. Wood, Esq., M.P., &c. &c. &c.
Admiralty.

Eleventh Enclosure in No. 45.

Viscount Palmerston to Rio Commissioners, Foreign Office, December 5th, 1838.

See No. 132.

Twelfth Enclosure in No. 45.

Viscount Palmerston to M. Carvalho, Foreign Office, December 14th, 1838.

See Class B. No. 149.

No. 46.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, December 17th, 1838.

I HEREWITH transmit to you a Copy of a letter, which has by my direction been this day addressed to the Admiralty, suggesting that directions shall be given, that after you shall have pronounced judgment on the case of the "*Flor de Loanda*," the individuals belonging to her who were sent to Sierra Leone for the adjudication of the case of the vessel, shall be sent on to Lisbon to be tried there for their infraction of the Portuguese law; and I have to desire, that you will furnish to the Commander of Her Majesty's ship having the charge of these prisoners, all the documents of which you may be possessed, which may be of use in the trial of the prisoners in question in Lisbon.

I am, &c.

(Signed)

PALMERSTON.

Her Majesty's Commissioners,
&c. &c. &c.

Enclosure in No. 46.

Mr. Backhouse to Mr. Wood.

SIR,

Foreign Office, December 17th, 1838.

I HAVE laid before Viscount Palmerston your letter of the 3rd instant with its enclosures, respecting the slave vessel the "*Flor de Loanda*," and I am directed by his Lordship to request, that you will move the Lords Commissioners of the Admiralty to give directions, that the individuals belonging to that vessel who have been sent to England as prisoners in the "*Buffalo*," may, together with such documents upon the case of the "*Flor de Loanda*," as the captor may have transmitted, be forwarded to Sierra Leone, for the adjudication of the case of the "*Flor de Loanda*," by the Mixed Commission there, upon a charge that the vessel was concerned in the Slave Trade. I am further to suggest that so soon as judgment shall have been pronounced by the Mixed Commission upon the case of the vessel, the prisoners and documents on the case may be sent on to Lisbon, and through Her Majesty's Minister there be delivered up to the Portuguese Government, in order that the prisoners may be tried in the Portuguese Courts for having been concerned in the Slave Trade, and for having hoisted the Portuguese flag for that purpose, contrary to the Portuguese decree of the 10th of December, 1836.

Her Majesty's Commissioners at Sierra Leone have been directed to furnish to the commander of Her Majesty's ship which may take the Prisoners to Lisbon, all the documents of which they may be possessed, which may be of use in the trial of those individuals before the Portuguese Court.

I am &c.

(Signed)

J. BACKHOUSE.

To C. Wood, Esq.

HAVANA.

No. 47.

Her Majesty's Commissioners to Viscount Palmerston.—(Received May 16.)

MY LORD,

Havana, March 1st, 1837.

THE only slave-vessel that has arrived at this port during the month past is the Spanish schooner "*Con la Boca*," Ferreira, Master, on the 25th ultimo, reported as from Sierra Leone, and the Danish island of St. Thomas, at which latter possession she is said to have landed a cargo of slaves.

The clearances for the Coast of Africa in the course of the month, are as follows, viz.

February	1.	Portuguese schooner	Olimpia	cleared for	San Tomé.
"	15.	Spanish	"	Pronta	"
"	20.	"	"	Josefina	"
"	22.	American brig	"	Alexander	"
"	27.	"	"	Dido	"

We have, &c.

(Signed) J. KENNEDY.

EDWARD W. H. SCHENLEY.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

No. 48.

Her Majesty's Commissioners to Viscount Palmerston.—(Received May 16.)

MY LORD,

Havana, March 17th, 1838.

WE have the honour to enclose Copies of a Letter from Lieutenant Jenkin, commanding Her Majesty's Ship "*Romney*" at this port, together with our answer, relative to the desertion of a petty officer named Henry Anthony, who is believed to have engaged on board the American schooner "*Dido*," which vessel sailed from this port about the 3rd instant for the Coast of Guinea.

We have recommended Lieutenant Jenkin to send information of this circumstance, not only to the Admiral on the station, but also to the Lords of the Admiralty, that orders may be issued, directing a strict search to be made in all vessels that may be met with answering to the description of the "*Dido*," though under different colours, on the Coast of Africa, as well as in these seas, for the deserter in question.

The high wages given to seamen engaging in slave vessels, amounting to 40 dollars and upwards per month, of course affords a temptation, which ought to be counteracted by ensuring a certain punishment for such an offence.

We have, &c.

(Signed) J. KENNEDY.

EDWARD W. H. SCHENLEY.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

First Enclosure in No. 48.

Lieutenant Jenkin to Her Majesty's Commissioners.

GENTLEMEN,

H. M. S. "Romney" Havana; 10th March 1838.

I beg leave to represent to you that a petty officer named in the margin,* (description of person annexed) run from Her Majesty's ship "*Romney*," under my command on the 25th of February

CLASS A.

N

1838, and I am credibly informed has entered on board the "*Dido*," American schooner, which vessel sailed for the Coast of Guinea about the 3rd of this month.

I shall take the earliest opportunity of informing the Commander-in-chief of this circumstance, under the anxious hope his detection may be effected by the cruisers, either on the Coast of Africa, or in the West Indies, and will otherwise use my best endeavours to forward his conviction.

I have the honour to be,

To Her Majesty's Commissioners of the
Mixed Court of Justice. &c. &c. &c.

(Signed)

CHARLES JENKIN,
Lieutenant and Commander.

* Henry Anthony, (Quarter Master), born at Portsmouth in Hampshire, is 25 years of age, 5 feet 5 inches in height, of dark complexion with small whiskers, hazel eyes, and dark brown hair.

Second Enclosure in No. 48.

Her Majesty's Commissioners to Lieutenant Jenkin.

SIR,

Havana, 16th March, 1838.

WE have to acknowledge having received your communication of the 10th instant, relative to the desertion from Her Majesty's ship "*Romney*," under your command, of a petty officer named Henry Anthony, who you have reason to believe has gone on board the American schooner "*Dido*," which vessel sailed about the 3rd instant for the Coast of Guinea.

We regret to have to state the practice, which has lately been extensively adopted for the purpose of evading the Treaty of the 28th of June 1835, by persons engaged in the Slave Trade, to purchase vessels in the United States, which are sent equiped under American colours to the Cape de Verde Islands, on the Coast of Africa, where the purchase is then said to be made, and the vessel transferred to pretended Spanish or Portuguese owners. It is very probable that such is the arrangement with the "*Dido*," which may therefore, under some other name, be met by some of the British cruisers on her return with a cargo of slaves. With this probability in view, we would suggest that you should forward your communication to the Admiral on the station, and also to the Lords of the Admiralty, that orders may be issued, directing a strict search on board all vessels met with on the Coast, for the deserter who has left you to engage in such a vessel.

We have, &c.
(Signed)

J. KENNEDY.
E. W. H. SCHENLEY.

To Lieutenant Jenkin.

No. 49.

Her Majesty's Commissioners to Viscount Palmerston.—(Received May 16.)

MY LORD,

Havana, 19th March, 1838.

WE have the honour to enclose Copies of a Correspondence, which has passed between us and His Excellency the Captain-General of this island, relative to the disembarkation in this harbour, on the 5th instant, of a number of Bozal negroes from the Portuguese brig "*Tres Febreiro*."

Your Lordship will perceive from the evasive answers of the Spanish authorities, to whom the investigation was referred, that there can be no doubt of the accuracy of the information we received, nor of the continued inclination of the officers of the inferior departments to permit, even more frequently, the most shameful and open infractions of the treaties between the two countries. We fear, that no hope can be entertained of a correction of the evil practices existing, except by the strictest vigilance on our part and that of the cruisers, of whom, however, we regret to say, we know few at this time cruising upon the coast, though a week seldom passes without some vessel being reported to have arrived, with a large cargo of slaves.

We have, &c.
(Signed)

J. KENNEDY.
EDWARD W. H. SCHENLEY.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

First Enclosure in No. 49.

Her Majesty's Commissioners to the Captain General.

MOST EXCELLENT SIR,

Havana 12th March, 1838.

A REPORT having reached us that 150 negroes were landed on the 5th instant in the Harbour of Havana from the brigantine "*Tres Febreiro*," under Portuguese colours, but stated to be manned by Spaniards, we have to request your Excellency will institute such inquiries into the transaction as may lead to the punishment of those persons, who shall be found guilty of such an infraction of the laws of the country, should the account prove to be correct. The "*Tres Febreiro*" is stated to have been con-

signed to a person of the name of Mazorra, and the slaves were landed, according to report, for Don Joaquin Gomez.

We have the honour to be,

(Signed)

J. KENNEDY.

E. W. H. SCHENLEY.

To His Excellency the Captain General,
&c. &c. &c.

Second Enclosure in No. 49.

(Translation.)

The Captain General to Her Majesty's Commissioners.

GENTLEMEN,

Havana 18th, March 1838.

As in your communication of the 12th instant, you state that you had received information of the Portuguese brig "*Tres Febreiro*," having disembarked on the 5th in this port, 150 negroes, I issued directions, agreeably with my provisional answer to you on the 15th, to the Comandancia General of Marine of this station, to proceed to the investigation of the case, from which it appears, as you will perceive by the official letter of the Commandant of Marine dated the 16th, that it does not appear credible that the said negroes should have been landed, as they could not be concealed from the examination, which every vessel undergoes on her arrival, by the Commissioners, by the Government, by the Marine Department, and by the Custom House Officers; which I make known to you in reply to your beforementioned communication.

God preserve you many years,

(Signed)

MIGUEL TACON.

To Her Britannic Majesty's Commissioners
of the Mixed Court of Justice.

Sub-Enclosure in No. 49.

(Translation.)

The Commandant of Marine to the Captain-General.

MOST EXCELLENT SIR,

Havana, 16th March, 1838.

I REFERRED your Excellency's Official Letter of the 15th inst., in which you were pleased to transcribe one from Her Britannic Majesty's Commissioners to your Excellency, relative to a foreign vessel, namely, the brig "*Tres Febreiro*," to the Captain of the Port, for his Report thereon, which, on the same date, he gives, as follows:—"In obedience to your Decree, having acquainted myself with the contents of the Official Letter which the Commissioners of Her Britannic Majesty addressed to his Excellency the Captain-General of this Island, I have to state in reply, that the Portuguese brig "*Tres Febreiro*" entered this port on the 5th instant, from Angola, after a passage of 55 days; and, having examined her Muster-roll, there does not appear to be a single Spaniard amongst the 14 individuals composing her crew; her Captain being named Guillermo, and her cargo of logwood and hides being consigned to Mazorra. This is all that is recorded in this Department, and I acquaint you therewith, in obedience to your before-mentioned Decree."

And it is all I have it in my power to state upon one of the particulars to which the Commissioners refer, it not being credible that the 150 negroes they mention, can have been landed in this port, as they could not have been concealed from the examination which every vessel undergoes, on her arrival, by the Commissioners, by your Excellency, by the Marine Department, and by the Custom-house Officers; but, whatsoever be the suspicions respecting the introduction into this port of the said negroes, this Comandancia-General is not empowered to take any proceedings against a foreign vessel, after the act of entering her in the port, during which act there appeared to the Marine nothing to occasion suspicion against her, and from that moment no other authority besides your Excellency is competent so to do; and, excepting the regulations of the port, with the execution of which the Marine Department is charged, it has absolutely nothing to do with foreign vessels while they remain here; the moment, therefore, passed, and the Marine Department fulfilled its duty on finding nothing to do, either because there were no Spaniards on board, as appears from the Report of the Captain of the Port, or because, had there been any, they were found to possess the required licenses for sailing in foreign vessels, as passengers or sailors. The Authorities to whose Governments these vessels belong being immediately responsible in their own Ports, or their Consuls in those which are not theirs, that she do not compromise her flag by having on board more passengers than she is allowed to embark by the laws of her country, as are also in ours the Authorities of the Marine Department, not to despatch vessels belonging to us in contravention of the regulation of the regulations prescribed for them.

God preserve your Excellency many years,

(Signed)

JUAN B. JOPETE.

To his Excellency the Captain-General of the Island.

No. 50.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, May 21st, 1838.

I have received your Despatch of the 31st January, 1838, with its Enclosures, containing an account of the case of the Spanish schooner "*Vigilante*," detained by Her Majesty's Ship "*Ringdove*," on a charge of Slave Trade, and subsequently released by the sentence of the Mixed Court of Justice at the Havana.

I referred your communication to Her Majesty's Advocate-General for his opinion.

The fact, that 18 slaves had been concealed in the hold of the "*Vigilante*"

afforded strong grounds for concluding, that the vessel had been engaged in the illicit traffic, and rendered it highly desirable, that the matter should undergo a thorough investigation, in order that the vessel might be condemned and the slaves liberated, if it should appear, that they had recently been brought from Africa to Porto Rico.

The Commissioners were, however, placed in a situation of considerable difficulty, in consequence of the absence of the Captor, and of his having omitted to send the master or any of the crew of the captured vessel for examination before the Mixed Court. Even this difficulty might perhaps have been surmounted, had not Commander Nixon delivered up the vessel to the owner.

Under all the circumstances, the course taken by the Judges of the Mixed Court in this case was proper; and the judgment which they delivered upon the evidence produced in Court, was correct.

Her Majesty's Commissioners,
&c. &c. &c.

I have, &c.
 (Signed)

PALMERSTON.

No. 51.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, May 21st, 1838.

I HEREWITH transmit to you, for your information and guidance, the Copies of a Correspondence with Her Majesty's Envoy at Madrid, by which you will perceive, that the Custom-House authorities of Cuba have been directed not to issue certificates to vessels carrying casks for the trade in palm oil, without exacting a bond, which may be a security in case it should afterwards be proved, that the prohibited articles were destined for illegal purposes.

I have, &c.

(Signed)

PALMERSTON.

Her Majesty's Commissioners,
&c. &c. &c.

First Enclosure in No. 51.

Viscount Palmerston to Sir G. Villiers, Foreign Office, March 27, 1838.
 (Sec Papers of 1837. Class B., Further Series. No. 23, p. 15.)

Second Enclosure in No. 51.

Sir G. Villiers to Viscount Palmerston, Madrid, April 14, 1838.
 (See Papers of 1837. Class B., Further Series. No. 30, p. 24.)

Third Enclosure in No. 51.

Sir G. Villiers to Viscount Palmerston, Madrid, April 21, 1838.
 (See Class B. No. 6.)

No. 52.

Her Majesty's Commissioners to Viscount Palmerston.—(Received May 23.)

MY LORD,

Havana, 20th April, 1837.

WE have the honour to acknowledge having received your Lordship's Despatch dated the 5th January last, together with the Despatch dated the 8th January, communicating the Correspondence with the Government at Madrid, on behalf of the black soldiers of Her Majesty's West India regiment, stationed on board the hulk "Romney" at this place.

The inconclusive nature of the Correspondence with the Government at Madrid, and the well-known character and opinions of the late Captain-General Tacon giving us no reason to hope for an alteration in his determination to prevent the black soldiers coming on shore, and his immediate resignation of office having been for some time expected, we thought it advisable to wait, until we received further instructions, or till the appointment of another Captain-General might obtain for us a more favourable consideration of the subject, before we mooted it further.

The expected assumption of the office of Governor and Captain-General of the island by His Excellency Don Joaquim de Espeleta having taken place on the 16th instant, we now propose without delay to submit to His Excellency the propriety of at once relieving the black soldiers from the hardships of confinement on board, to which they have been subjected.

We have, &c.

(Signed)

J. KENNEDY.

EDWARD W. H. SCHENLEY.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

No. 53.

Her Majesty's Commissioners to Viscount Palmerston.—(Received May 23rd.)

MY LORD,

Havana, 20th April, 1838.

WE have the honour to acknowledge the receipt of your Lordship's Despatch of the 17th January, 1838, respecting the release of the "*Constituciao*."

We have, &c.

(Signed)

J. KENNEDY.

EDWARD W. H. SCHENLEY.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

No. 54.

Her Majesty's Commissioners to Viscount Palmerston.—(Received, May 23.)

MY LORD,

Havana, 20th April, 1838.

ON the 16th instant His Excellency Don Miguel Tacón resigned the Office of Governor and Captain-General of this island, when His Excellency Don Joaquim de Espeleta, who had been appointed his successor, assumed the Government. Having received in due course the official communications of his appointment, we took an early opportunity on the 18th to wait upon the present Captain-General, and inform him of our commission, when His Excellency was pleased to say, "that the principles upon which he was resolved to govern the island were, a strict observance of the laws, and rigid impartiality in their administration—that he would respect and sustain the rights of foreigners, endeavour to improve commerce, and to ameliorate the condition of all classes of society.

"Respecting our particular office and duties, that it was not less the implicit desire and order of his Government than his own individual wish, to carry into effect the treaties subsisting between the two countries, under which we act, and that he should at all times feel happy in communicating with us, personally or by letter, for the furtherance of the desirable object of finally suppressing the Slave Trade."

We have, &c.

(Signed)

J. KENNEDY.

EDWARD W. H. SCHENLEY.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

No. 55.

Her Majesty's Commissioners to Viscount Palmerston.—(Received, May 23.)

MY LORD,

Havana, 21st April, 1838.

FOR the last month we have found it impossible to obtain the list of vessels cleared out from this harbour for the Coast of Africa, but will use our utmost endeavours to supply the deficiency by the next packet.

Of the arrivals we have been able to ascertain the following :—

- | | | |
|------------|---|---|
| 3rd March. | — | Brazilian brig "Feliz Constancia"—Sacramento, Master, consigned to Mazorra. |
| 5th | " | Portuguese brig "Tres Fevereiro"—Guillermin, Master, consigned also to Mazorra. |
| 10th | " | " "Victoria"—Ferreira, Master. |
| 14th | " | " ship "Amelia"—Flores, Master, from Madagascar, consigned to Forçade. |
| 16th | " | " schooner "Dulcinea"—Reyes, Master. |

Mazorra, the consignee of two of the vessels, is, we believe a Portuguese subject, and the person referred to in our yearly Report, dated the 1st January last. Forcade is a subject of France, and has also been referred to in former Despatches.

The Portuguese brig "*Tres Febreiro*," your Lordship will remember, formed the subject of our Despatch, dated the 19th March last. The brig "*Victoria*" was boarded at sea by Her Majesty's sloop "*Pickle*," Lieutenant Hast, on the 1st March, when she was found provided with papers and clearances from Puerto Rico, where she had every appearance of having recently landed a cargo of slaves. These no doubt will be brought in smaller vessels, in portions, to this Island, as was done in the cases of the "*Vencedora*" and the "*Vigilante*."

In addition to the arrivals mentioned in our Despatch, we have learned, since it was forwarded, that in the month of February a schooner, under American colours, landed a cargo of between 200 and 300 negroes at or near Camarioca, not far from Matanzas. She had been sold to Spanish owners, and was to have been transferred to the Portuguese flag at the Cape Verd Islands; but the Master dying before they arrived, and the crew not knowing what to do, proceeded to the Coast of Africa, and having procured a cargo of negroes, returned with them under American colours. Information of this having been forwarded to Philadelphia, and thence to Pensacola, the "*Grampus*," American schooner of war, was sent from the latter place to Matanzas, to inquire into the circumstances, when it was said to have been satisfactorily proved, that there were none but Spaniards on board.

We have, &c.

(Signed)

J. KENNEDY.

EDWARD W. H. SCHENLEY.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

No. 56.

Her Majesty's Commissioners to Viscount Palmerston.—(Received May 23)

MY LORD,

Havana, 21st April, 1838.

REFERRING to our Despatch of the last year, dated the 20th December, 1837, we beg to remind your Lordship, that we therein reported the circumstance of the Master of the Spanish schooner "*Vencedora*" (liberated by decree of the Mixed Court, as detailed in our Despatch of the same year), having sent in to the Court certain claims for compensation, not only for demurrage and other causes provided for by the Treaty, but also for a number of articles, charts, and other equipments of the vessel, and wearing apparel of the crew, alleged to have been taken away, while under detention of Her Majesty's sloop "*Ringdove*." We also stated, that the Court had appointed Don Juan Francisco Cascales, the Secretary to the Court, and Mr. R. B. Jackson, the Clerk to the Commissioners, to inquire into the truth of these allegations, and to report first, what loss had been occasioned to the vessel by the detention, as provided by the Treaty, and second, what other loss had in any probability been sustained by the alleged defalcations, not contemplated by the Treaty.

We have now the honour further to state to your Lordship, that the Court having received and approved the Report drawn up in pursuance of the Commission, together with the estimate of two valuers, who were called in to ascertain the value of the several articles on the 10th instant, agreed upon a decree upon the basis of the Report, which we trust will also meet with your Lordship's approbation.

From these documents your Lordship will perceive, that the charges of speculation and demands, which were made to a large amount, for clothes and other articles, have been utterly discredited and disallowed. With regard, however, to the alleged injury to the sails, rigging, and other equipments of the vessel, it was supposed very probable, that considerable damage might have been done to them in the confusion of detention with so many people (65 passengers, including the negroes) on board, and when the Master and crew were away. For these, therefore, half the amount of apparent damage was allowed, to the extent of 251 dollars.

The allowance for demurrage, according to the Treaty, amounted to 700 dollars, to which it was therefore restricted, though great complaints were made on this account, especially as a claim for wages to the Captain and crew in addition was refused.

For deterioration of cargo, which was to some degree proved, a sum of 1236 dollars, 7 rials, was awarded, including a charge for a deficiency in the provisions, which there was no doubt were used for the people on board, after the Captain and crew were given into the custody of the local authorities. (See Mr. Phillips's statement, Enclosure No. 6.)

During their detention in custody about a month, the Captain and crew incurred also a considerable expense for prison and other charges, amounting to 720 dollars, 2½ rials, which sum, together with the damage to the equipments of the vessel, the Court were of opinion ought to be reimbursed. But as the Treaty only specifies certain grounds upon which they are empowered to award compensation, namely—1st. For special damages and expenses occasioned by the detention, and for loss of freight. 2nd. for demurrage, according to the Schedule; 3rd. for any deterioration of cargo; and 4th. for all premium of insurance and additional risks; and as claims were only advanced on the second and third of these grounds, the decree was given for them only. Yet as the other claims appeared also reasonable, namely, for damages to the ship, though not to be construed as "special damages occasioned by the detention," together with those for prison and other expenses, incurred on charges from which they were exonerated by the Court, a recommendation in favour of their payment was submitted to the consideration of Her Majesty's Government. The total of these, which can scarcely be said to be disputable claims, amounts to only 972 dollars, or about 200*l.* sterling. But the sum of the whole we regret to say amounts to 2908 dollars, 7 rials, or about 600*l.* sterling, according to account annexed. (Enclosure No. 9).

Notwithstanding this heavy liability, however, we confidently trust that your Lordship will consider Commander Nixon to have been fully warranted in bringing this case before the Court, especially as under the practice he attacked, and the protection it has now obtained, of making Puerto Rico a depôt for negroes, an extensive and increasing trade appears to be carried on, which, unless checked, may probably counteract all our efforts for the suppression of this unhappy traffic.

We have, &c.

(Signed)

J. KENNEDY.

EDWARD W. H. SCHENLEY.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

First Enclosure in No. 56.

(Translation.)

Decree.

Havana, 15th December, 1837.

For the better resolution of this case the Secretary, conjointly with Don Ricardo Belgrave Jackson, will enter upon its investigation, and will liquidate, according to the Treaty, the claims made by Don Antonio Lloret, Master of the polacca "*Vencedora*," on account of the detention he experienced, without prejudice to any other Decree that the Tribunal may consider it expedient to issue.

(Signed) FERNANDINA.

J. KENNEDY.

(Signed)

JUAN FRANCISCO CASCALES, Secretary.

Second Enclosure in No. 56.

(Translation.)

Report.

To his Excellency the Conde de Fernandina, and James Kennedy, Esq., Spanish and British Judges of the Mixed Court.

MOST EXCELLENT SIR, AND GENTLEMEN,

Havana, December, 1837.

HAVING been appointed by this Mixed Court of Justice to regulate the claims made by the Captain of the Spanish polacca "*Vencedora*," against the Prize-master, Mr. Griffith Grismond Phillips, of Her Britannic Majesty's brig "*Ringdove*," in consequence of the definitive sentence pronounced with the intervention of the Spanish Arbitrator, we have endeavoured to fulfil the object proposed in your Decree of the 15th instant, by sounding all the paths leading directly to this end; and as, in the first steps taken towards a just indemnification, both parties omitted to adopt the effectual means for securing, without risk, the indemnification or agreement, with the regulation of which we are now charged, we have had no difficulty with this antecedent, by proceeding in good faith; and, knowing that the real interests of the parties is to put an end to disputes, always expensive and likely to increase, in adopting a course which we now submit to your Excellency and your Honour for your approval.

The effects contained in the first page of the Inventory do not require our attention the Spanish Captain declaring himself content with regard to them. It is not so, however, with regard to those between pages 137 and 139, with reference to which our attention is particularly called to articles said to be missing, which it is next to impossible could disappear, as being of a nature which must exist

and be permanent, but which are not set forth in the Inventory which ought also to have been made, the omission whereof is a fault which tells against both parties. As, however, this step was neglected, notwithstanding its being ordered by the Court, considering also the nature of the other articles beginning at the top of page 139, and ending at the bottom of page 143, and that their having existed cannot be denied, we think that one-half of the items contained therein should be made good to Captain Lloret, who, in like proportion, will satisfy the other persons interested, whom he represents.

The provisions set down at page 139 as wanting, we are of opinion should be made good, but not the outfits detailed, because that, besides there being no necessity for each of the individuals carrying such an outfit, there is no proof of their having been put on board, and, moreover, Captain Lloret might set down whatever he pleased if his word alone were to be taken; which is widely different as regards the other things to be made good, the existence of which is rendered probable by the nature of them, and, under the circumstances of the case, cannot be denied.

The deficiencies in the cargo, as detailed at page 143 and following, are justly due; and, with regard to the spirits mentioned in the paper at page 155, for which no allowance being asked in the account it must be computed on their delivery, thus removing the responsibility of the Prize-master on this head.

Captain Lloret should, we think, moreover, be allowed the amount of the receipts from page 145 to 154 inclusive, if they be not already allowed for in the accounts.

We likewise think that demurrage should be allowed from the time of the detention until the delivery up of the vessel, according to the Instructions for the Mixed Courts contained in the Treaty of the 28th June, 1835, annex. B. art. 7; and we are of the same opinion with regard to the payment of the costs of these proceedings, which may be amicably settled between both parties, or by intelligent persons to be chosen by either party; taking also into consideration that the costs or expenses which the owners would of necessity have incurred by the sale or barter of their goods have to be deducted, and in so far lessen the responsibility of the Prize-master, saving what your Excellency and your Honour, on better reflection, may consider more to the purpose.

God preserve your Excellency and your Honour many years,
(Signed) JUAN FRANCISCO CASCALES.

R. B. JACKSON.

Third Enclosure in No. 56.

(Translation.)

Appraisers' Report.

MOST EXCELLENT SIR AND GENTLEMEN,

Havana, 20th March, 1838.

HAVING been appointed by the Mixed Court of Justice to appraise sundry articles belonging to the Spanish Polacca schooner "*Vencedora*," Don Antonio Lloret, Master, we have executed our commission, and beg to enclose to your Excellency and your Honour the valuation made by us, to the best of our knowledge and ability.

God preserve your Excellency and your Honours many years,
(Signed)

SANTIAGO NORMAN.
JOSE A. IRIGOZEN.

Sub-Enclosure.

(Translation.)

Valuation made by the Undersigned, as Appraisers named by the Mixed Court of Justice, of Sundry Articles belonging to the Spanish Polacca Schooner "Vencedora," Don Antonio Lloret, Master.

Blocks, Rigging, &c.

						Drs.
6 treble and double blocks	8 inches, iron bound and hooks, at 14rs.	.	.	.	.	10 4
7 single blocks	7 do. do. do. at 8rs.	.	.	.	.	7 0
4 do.	12 do. do. do. at 14rs.	.	.	.	.	7 0
4 treble and double blocks	13 do. do. do. at 22rs.	.	.	.	.	11 0
1 top block	11 do. do. . . . .	.	.	.	.	3 4
1 snatch block	10 do. do. . . . .	.	.	.	.	4 4
2 flat blocks	14 do., not bound at 12rs.	.	.	.	.	3 0
4 water-scoops	. . . . . at 2rs.	.	.	.	.	1 0
4 hair-brooms for cleaning decks	. . . . . at 3½rs.	.	.	.	.	1 6
4 marline-spikes of various sizes	. . . . . at 3½rs.	.	.	.	.	1 6
1 studding-sail haulyard (new) 35 fathoms, 2½ inch rope	. . . . .	.	.	.	.	7 4
1 spare piece hemp rope 100 fathoms, 3 inch rope	. . . . .	.	.	.	.	28 4
1 piece hemp rope for top-gallant clewlines, 50 fathoms 2½ inch rope	. . . . .	.	.	.	.	10 0
1 do. for do. bowlines 40 fathoms 2½ inch rope	. . . . .	.	.	.	.	8 2
1 do. for downhauls to jib and fore stay sail, 50 fathoms 2 inch rope	. . . . .	.	.	.	.	7 0
2 sets of fore-sheets with their hooks, each 9 fathoms 5 inch rope	. . . . .	.	.	.	.	8 0
1 running tackle with case hooks to hoist pipes and 22 fathoms 5 inch rope	. . . . .	.	.	.	.	7 0
1 piece rope for ratlines 140 fathoms	. . . . .	.	.	.	.	10 0
½ piece knittles 70 fathoms	. . . . .	.	.	.	.	3 2
1 spare top-gallant haulyard 40 fathoms 3½ inches	. . . . .	.	.	.	.	14 0
5 pine planks of 1 inch and 30 feet long each	. . . . .	.	.	.	.	4 1
6 pieces houseline 40 fathoms, all sizes	. . . . .	.	.	.	.	3 4
3 pieces marline 80 fathoms each	. . . . .	.	.	.	.	1 2
25 lbs. spunyarn (two threads)	. . . . .	.	.	.	.	4 1
25 lbs. spunyarn (three threads)	. . . . .	.	.	.	.	4

	Drs.	
3 fishing lines 30 fathoms each	0 7	
2 tin pumps	1 6	
12 pieces 10 feet long each and 2 inches thick	18 0	
	<hr/>	192 0

Sails.

1 top-gallant sail not half used, found almost useless	22 4	
1 jib not half used, found almost useless	20 0	
2 fore studding-sails not half used, one found all in pieces, the other half rotten with water	27 0	
2 fore-staysails in same condition	27 0	
1 royal, new and of duck, found almost rotten	11 0	
1 boom mainsail not half worn, found torn in many places and in use as an awning	42 0	
1 foresail, 2nd voyage, found bent to the yard, rotten and torn	39 4	
1 fore-topsail half worn, found bent to the yard, rotten and torn	32 4	
1 tarpaulin for main hatchway, found torn	3 0	
	<hr/>	224 4

Ironmongery Missing.

1 spade	0 7	
1 hatchet	1 2	
3 augers	1 1	
1 new saw	1 3	
1 mallet and 1 hammer	1 2	
	<hr/>	5 7

Articles of the Table, Cabin, and Caboose.

24 knives and forks	4 4	
12 steel forks for the crew	1 1	
4 linen table-cloths at 2½ drs.	9 0	
6 serviettes at 5rs.	3 6	
6 dozen plates coloured and white, at 5rs.	3 6	
6 dishes do. do.	1 7	
2 tin soup-tureens with ladles	6 6	
2 tureens white flint ware	2 4	
2 teapots do.	1 6	
3 glass-bottles for the table	1 7	
2 salt-sellers do.	0 4	
2 oil and vinegar-cruets	4 4	
2 waiters	1 6	
1 teaboard	1 2	
12 chocolate-cups and saucers and 18 teacups and saucers	2 0	
12 white cups with handles and 12 tumblers	2 0	
6 large tumblers and 12 wine-glasses	2 3	
4 large chrystal glasses and 2 sugarbasins	1 7	
1 butter-stand and 2 white pitches	0 7	
1 iron-pot found broken and 2 skimming ladles of tin	2 6	
1 gridiron and 1 copper chocolate-pot	1 5	
1 tin spice-box and 2 large tin-jugs	1 2	
2 tins for water and 2 pairs tongs	0 6	
1 copper coffeepot scarcely used	2 6	
6 tin pails and 6 large Seville dishes	3 2	
2 tin oil bottles and 1 bronze candlestick	2 0	
1 fire-stand of platina	1 3	
1 wash-hand basin painted flint ware	0 4	
1 tin wash-hand basin	1 2	
2 water coolers and 1 fireshovel	0 5	
2 axes and 4 iron spoons for the caboose	1 2	
	<hr/>	73 3

Medicines.

2 bottles sweet almond oil	2 4	
2 bottles castor oil	2 2	
1 bottles copaiba	1 2	
2 lbs. cremor tartar	0 7	
1 lb. salt of figs	0 4	
1 bundle of mallows	0 2	
	<hr/>	7 5

Total . . . (Drs.) 503 3

Half to the credit of the Captain . . . 251 5½

CLASS A.

0

	Provisions.	Dr.
10 Quintals biscuit		70 0
6 arrobas codfish		6 0
7 arrobas rice		9 5
4 arrobas beans		5 6
3 arrobas peas		3 1½
2 arrobas bacon		6 4
4 arrobas tunny fish		9 0
1 barrel pickled fish		3 4
1 arroba fine vermicelli		2 6
½ arroba macaroni		1 3
1 arroba large vermicelli		2 6
6 Dutch cheeses		3 6
1 arroba chocolate		7 0½
1 arroba white sugar		1 5
1 arroba yellow sugar		1 1
4 lbs. ground coffee		0 6
½ lb. tea		0 6
1 demijohn of anisette of majorica		2 6
2 demijohn of manzanilla wine		9 0
1 demijohn brandy		5 2
1 demijohn sherry wine		2 6
1 barrel rum (4 in a pipe)		20 0
½ pipe Catalufia wine		18 4
½ pipe Catalufia wine, one-third missing		6 0
10 lbs. tallow candles		2 1
10 fowls		7 4
1½ arrobas anchovies		3 0
6 jugs gin		1 1
1½ arrobas coloured pepper		4 4
2 lbs. black pepper		0 4
dozen Valencia melons		2 0
1½ quintals potatoes		3 0
1½ quintals onions		5 2
2½ quintals coals		18 0
Total to the credit of the Captain		254

Deficiencies in the Cargo.

12 demijohns Manzanilla wine belonging to the Captain	54 0
3 barrels tunny fish belonging to the mate	6 6
27 bottles olives	8 2½
8 kegs sausages belonging to Dr. Salvador Rodriguez	51 0
	120 1½

Recapitulation.

Half of value of various articles	251 5½
Value of provisions missing	254 4
Value of deficiencies in cargo	120 1½
Total	(Dr.) 626 3

Fourth Enclosure in No. 56.*Mr. Kennedy to Mr. Nixon.*

MY DEAR SIR,

Havana, February 17th, 1898.

At the time of giving up the schooner "*Vencedora*" to the owners, I received a communication from Mr. Philipps, the officer placed by you in charge of that vessel, when you detained her on the 14th October last, stating that he had attended three days the discharging of her cargo, and requesting my approval of his so doing. In my answer of the 22nd November last, I replied, that though I had not previously received any intimation of the discharging of the cargo, yet I could have no hesitation in saying that he had acted prudently in attending. The object in view of course was to guard against the probability of demands being made for articles, which they might allege to have been taken away while the vessel was under detention. Not having heard further from Mr. Philipps, I hoped that he had secured himself against any such demands, but I regret to have now to inform you that the Master of the "*Vencedora*" has sent to the Mixed Court a long list of deficiencies, consisting not only of provisions and liquors, but also of sails, ropes, and other articles belonging to the vessel, and even the wearing apparel of the crew.

That some deficiencies might be found among the provisions I was prepared to expect; and that some other articles might have been taken away, I was not able to dispute, considering there were so many Spanish passengers (49, I think) left so long on board, after the crew had been placed at the disposal of the Captain-General. But the other alleged defalcations I was not willing to admit, though ultimately a Commission was appointed, consisting of the Secretary to the Mixed Court, and the Secretary to the Commissioners, to inquire and report as to the truth of the allegations, and the value of the articles said to be missing. The full report we have not yet received, but I cannot delay longer to

inform you that the parties have made it appear, that great deficiencies did exist in the cargo, the provisions, the wearing-apparel of the crew, and even among the sails and rigging.

I do not know how it will be possible for you to disprove these charges, which it is equally impossible for us to credit, at least to the extent alleged, unless Mr. Philipps took the precaution to obtain an acknowledgment to the contrary, which I fear he cannot have done. I regret he left this place without communicating to me the result of what passed at the conclusion of the discharging, and it is therefore only left me now, in making you acquainted with these circumstances, to request you will inform me whether any such allegations were made at the time, and whether you have it in your power, in any way, to disprove them. For this purpose I even think it would be highly advisable for you to return to the Havana as soon as possible, or allow Mr. Philipps to come the first opportunity.

With sincere regard, I have the honour to be, &c.

To Commander Nixon,
H. M. S. "Ringdove."

(Signed)

J. KENNEDY.

Fifth Enclosure in No. 56.

Mr. Nixon to Her Majesty's Commissioners.

GENTLEMEN,

H. M. S. "Ringdove," March 10th, 1838.

IN answer to your letter dated the 17th of February, received yesterday, in which you state that it has been represented to the Mixed Court, that the sails, rigging, and clothes were taken from the "*Vencedora*" while under our detention, I have to inform you in reply, as I do with regret, that two of my men (mazines) stole some wine or spirit on which they got drunk, and for which they were flogged. The facility of getting at wine or spirits on board her caused me to remove two casks with some of each in them, which were deposited in the "Ringdove's" spirit-room, till I heard of the liberation of the "*Vencedora*," when I sent both casks to her, but they were declined being received. As for anything else being taken away, it is totally untrue. I declare, most solemnly, after the strictest investigation, that not one fathom of rope or yard of canvass ever left her with our people; and as to clothes, granting they would have stolen them (though I deny that they would) not an article could ever have been used, being so totally different from their own. My men had but one change with them, and were strictly examined on their return to prevent the possibility of their having spirits, so they could have brought nothing without detection.

I therefore, on my honour, declare the whole charge to be false. Mr. Philipps, the officer in charge, is a gentleman of the highest and unimpeachable character, and both he and Mr. Lloyd, a junior officer, had their gold-laced uniform caps stolen. I herewith enclose Mr. Philipps's statement.

I have the honour to be, &c.

(Signed)

H. STOPFORD NIXON.

P.S. I beg to add not the slightest charge or allusion to any deficiency was made on Mr. Philipps giving her up, and a note I gave Mr. Jackson from Don Antonio Lloret will show the wine and spirits were sent back and refused, after which they were deposited on board the "*Romney*," under charge of Lieutenant Jenkin, to await the orders of the Mixed Court. I had given three of the passengers permission to live on board on their stating their being concerned in the cargo, and how much it would convenience them, but finding that six availed themselves of this leave, I withdrew it altogether. Afterwards two of the same men were received on board, by order of the Mixed Court, for the security of the cargo.

To the Commissioners for the Suppression
of the Slave Trade, Havana.

(Signed).

H. S. NIXON.

Sixth Enclosure in No. 56.

Mr. Philipps to Mr. Nixon.

SIR,

H. M. S. "Ringdove," March 10th, 1838.

IN consequence of your communication to me of the 9th instant concerning the articles missing in the "*Vencedora*," I have only to state that it is wholly and severally false.

In discharging the "*Vencedora*," Don Antonio Lloret and myself took our separate accounts of cargo, which were compared each day; and on so doing, the said Don Antonio Lloret appeared perfectly satisfied.

Of the provisions missing I have only to add, that, after the departure of captain and crew, the passengers, amounting to 65, still remained on board (living of course on the ship's provisions) for three days; the passengers from Old Spain then received their passports, and were landed. There still remained 49 for four days, after which you gave permission for three to live on board, and have free egress and ingress; but six having told me they had your leave, on my reporting it to you you withdrew all permission. After which the Mixed Court ordered two of the original men who had your leave to be received on board for the security of the cargo, which they were. The cabin passengers occupied the cabin, with free access to the provisions, wines, spirits, &c., not thinking it incumbent on me to interfere.

On deck had been stowed a cask of wine and one of spirits, both of which had been previously broached for the use of the passengers. Two of my men in the night extracted some wine, thereby causing drunkenness and riot. I immediately sent the wine, spirits, and the two men who had been guilty of this breach of discipline on board of the "Ringdove." The liquids, for the better security thereof, were put into her spirit-room, and returned on her being given up; but Don Antonio Lloret refused to receive them.

During forty days, the time I had charge of the "*Vencedora*," the negroes, 27 in number, were still supplied with their daily sustenance from provisions left on board.

When the cabin was cleared out (it being in a disgusting state of filth) previous to your seal being stamped on the hatchway, I ordered the wearing-apparel (with the exception of that contained in the trunks) to be put into the main-hold, as a place of security—they being loose and strewed about the

cabin, with which place neither myself or crew had any communication, after the hatchway had been sealed up by your order.

The foremost passengers (I mean those who did not mess in the cabin) lived in the main-hold, on top of the cargo, where their luggage was likewise stowed, and on any appearance of bad weather, both eat and slept there. I leave it to your judgment, when taking into consideration the perishable materials of which the upper part of the cargo consisted, viz., bags of grain, boxes of vermicelli (numbers of whose lids were partially broken or otherwise injured) bales of paper, &c., whether Don Antonio Lloret has not made use of the detention of the "*Vencedora*," not only to improve his cargo in point of sale, but to bring disgrace on myself and crew.

Touching the deficiencies in the riggings, sails, stores; I have only to bring Lieutenant Gray and the officers of the "*Ringdove*" to witness that not one inch of rope found its way on board.

I have nothing further to add, but again to deny most strongly any embezzlement on my part or that of my crew.

To H. Stopford Nixon, Esq.
Capt. of H. M. S. "*Ringdove*."

I have the honour to be, &c.

(Signed)

G. G. PHILIPPS,
Male.

Seventh Enclosure in No. 56.

Mr. Kennedy to Mr. Nixon.

DEAR SIR,

Havana, 18th April, 1838.

I HAVE received your letter of the 10th March, which only confirmed my conviction of the gross injustice of the charges made against your crew by the captain and others of the "*Vencedora*." I am happy to inform you that the Court, upon a full consideration of the demands, disallowed even before we received your letter, any compensation for the alleged defalcations. But having been obliged by the Treaty to allow so much per day for demurrage, and also for deterioration of cargo, we included a sum of about 50*l*. for what we thought might have been used by you for the maintenance of the negroes and others on board. In doing this I find we are borne out by Mr. Philipps's statement. With regard to the damage to the sails and rigging, we have also allowed half of their demand, viz. about 50*l*., thinking that in the confusion of detention, with so many people on board, some considerable damage might have been incurred, and I assented in consideration of the charge for demurrage having been so very limited.

I expect to receive instructions by the next packet as to the mode of payment, but should none arrive, I shall most probably draw on the Treasury. I remain, &c.,

(Signed)

J. KENNEDY.

To Commander Nixon, H.M.S. "*Ringdove*."

Eighth Enclosure in No. 56.

DECREE.

Havana, 10th April, 1838. Having considered the claims made by the owner and others interested in the Spanish schooner "*Vencedora*" for demurrage, deterioration of cargo, and other losses, as detailed in their petition to this Court of the 7th December, 1837, and having considered also the Report of Don Juan Cascales and Mr. R. B. Jackson, to whom this Court directed the Commission to inquire into the truth of the allegations made in the said application of the 7th December, 1837, together with the Report of the valuers, Don José Antonio Irigozen and Don Santiago Norman, as to the value and amount of the several demands, it is hereby decreed, that the sum of 700 dollars, being the amount of demurrage as directed by the Treaty of the 28th June, 1835, and the sum of 1236 dollars 7 rs., being the amount of demand for deterioration of cargo, making together the sum of 1936 dollars 7 rs., be paid to the owners of the said schooner "*Vencedora*," according to the provisions of the Treaty; and this Court further recommends, in accordance with the Report of the said Don Juan Francisco Cascales and Mr. R. B. Jackson, that the further sum of 251 dollars 5½rs. be paid to the said owners and others interested therein, for the defalcations and injuries occasioned to the vessel and equipments, as shown at page 156 of the proceedings, on her detention by her Britannic Majesty's sloop "*Ringdove*," and also the further sum of 720 dollars 2½rs. for prison and other expenses incurred by the captain and crew whilst under the charge of the Captain-General, during the progress of the trial.

(Signed)

FERNANDINA.
J. KENNEDY.

Ninth Enclosure in No. 56.

ACCOUNT SUMMARY OF CLAIMS.

Claims Allowed :

Demurrage	700	0
*Deterioration of cargo	982	3
Deterioration for provisions and stores (see account of valuers)	254	4

Claims Recommended to be Allowed :

Damages to the ship and equipments (see account of valuers)	251	5½
Prison and other expenses	720	2½

(Drs.) 2908 7

Claims Disallowed :

For articles alleged to have been taken away	287	7½
Wages of captain and crew	340	0
Price of a negress who died during the detention	339	7
Funeral expenses of one of the crew who died in prison		
	(Drs.)	967 6½

Particulars of Deterioration of Cargo.

Account presented by Don Ramon de la Camara for deterioration of his cargo of beans	839	0
Account presented by Don Pedro Juan Roig and Don Antonio Moré and Llanara for } damage done to sundry bales of paper	23	1½
For deficiencies detailed in account of the valuers	120	1½
	(Drs.)	982 3

No. 57.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, 24th May, 1838.

I HEREWITH transmit for your information five copies of two series of papers relating to the Slave Trade, which have been presented to the two Houses of Parliament, during the Session, by Her Majesty's command.

I am, &c.

(Signed) PALMERSTON.

Her Majesty's Commissioners,
&c. &c. &c.

No. 58.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, June 9th, 1838.

I HEREWITH transmit to you the copy of a resolution which was voted unanimously by the House of Commons on the 10th May, 1838, for an Address to Her Majesty upon the Slave Trade, and a copy of the answer which, on the 23rd of the same month, Her Majesty was pleased to return to that Address.

You will see from these Papers the unceasing and anxious desire of the Parliament and Government of this country for the extinction of the traffic in slaves.

I am, &c.

(Signed) PALMERSTON.

Her Majesty's Commissioners,
&c. &c. &c.

No. 59.

Her Majesty's Judge to Viscount Palmerston.—(Received June 20.)

MY LORD,

Havana, 15th May, 1838.

I HAVE the honour to inform your Lordship that, on the 10th instant Her Majesty's sloop "Pearl," commander Lord Clarence Paget, sailed from this port with a view of proceeding to Portsmouth, after calling at Nassau, Bermuda, and Halifax; when Mr. Schenley took advantage of the opportunity to return to England, in pursuance of the leave of absence granted him for that purpose.

I have, &c.

(Signed)

J. KENNEDY.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 60.

Her Majesty's Judge to Viscount Palmerston.— (Received June 20.)

MY LORD,

Havana, 15th May, 1838.

I HAVE had the honour to receive from your Lordship, since the last acknowledgment of Despatches on the 20th April last, the following, viz. :—

That dated the 22nd February, 1838, containing instructions respecting the payment of the costs in the case of the "*Vencedora*," which have been duly communicated to the parties interested; and the four bearing date the 6th March last, and communicating copies of various correspondence with the Government at Madrid.

I have, &c.

(Signed)

J. KENNEDY.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

No. 61.

Her Majesty's Judge to Viscount Palmerston.—(Received, June 20.)

MY LORD,

Havana, May, 15th, 1838.

REFERRING to the intention expressed to your Lordship in the Despatch from Her Majesty's Commissioners, dated the 20th April last, to appeal to the present Captain General Espeleta on his assuming office, to permit the soldiers of Her Majesty's West India regiment, serving on board the "*Romney*" at this place, to come on shore; I have now the honour to enclose to your Lordship copies of the application made in this behalf, and of the answer received.

From this answer your Lordship will perceive, that our anticipations of a refusal were sufficiently well founded to warrant the delay in making the application, though that delay was rendered difficult by the importunities of the men, which were great, as indeed might be expected. Their situation undoubtedly must be extremely irksome, and we ventured to think we might hope for the indulgence, under the conditions we proposed, as satisfactory on all sides.

Our only hope, however, now depends upon the success of your Lordship's remonstrances with the Government at Madrid; but fearing they may not have immediate effect, or that they may be shackled with impracticable provisos, or that the prohibition may be even renewed, on the probable occurrence of some slight excess, magnified, as it no doubt would be, into a serious matter, it may be perhaps deserving of your Lordship's consideration, whether the existing evil may not be beneficially met by a system of frequent relief. Were changes to be made at intervals of three, four, or six months, as may be convenient, with other detachments of the regiments stationed at Nassau, Belize, or other dependencies, there would remain no reasonable ground for complaint on the part of the men, if kept on board as only for the length of time of an ordinary voyage.

I have, &c.

(Signed)

J. KENNEDY.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

First Enclosure to No. 61.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR,

Havana, May 1st, 1838.

WE have the honour, in the discharge of our duty, to apprise your Excellency, that in the month of August last, her Britannic Majesty's Government not having been able to obtain in this island a fit place for the reception of negroes found in captured slave vessels, sent one of Her Majesty's ships, the "*Romney*," under the command of Lieutenant Jenkin, for the purpose of receiving such negroes, until they could be forwarded to some other place, according to the treaty between the two countries, Spain and Great Britain. At the time of her arrival the "*Romney*" had on board a number of soldiers, now 36, acting as marines, who, though men of colour, were selected from one of Her Majesty's West India regiments, part of Her Majesty's regular army, such as are also existing in this island, in the service of her Catholic Majesty. The sole cause of their having been selected, it should be observed, was on account of their being considered best adapted for the service in this climate, and without any reference whatever to the population of the island; but shortly after their arrival His Excel-

lency the late Captain-General Tacón, under a mistaken supposition of intentions being entertained to recruit among the free negroes at this place, intimated his determination to Her Britannic Majesty's Commissioners to put into confinement any of those black soldiers who should be found on shore. This determination he justified by reference to a royal order of the 12th March, 1837, which, however, could not reasonably be construed to refer to soldiers of an allied power, upon such peculiar terms of amity with Spain as that of Her Britannic Majesty. Notwithstanding this persuasion, Lieutenant Jenkin, the officer in command of the "Romney," from a due respect to the authority of the Captain-General, has, since that time, from August till now, forbidden the soldiers from coming on shore, while in the meantime the subject was duly submitted to Her Britannic Majesty's Government. In answer to this reference we have received communications from Her Majesty's Government fully coinciding in our views of the royal order not extending to the soldiers of the regular army of an allied power, and remonstrances accordingly have been made to the government at Madrid, condemning this forced construction of a royal order, which can only have the effect of placing unnecessary difficulties in the fulfilment of existing treaties.

Under these circumstances, feeling assured of your Excellency's desire to promote sincerely the object of those treaties, we are induced to hope that your Excellency will take into immediate consideration the hardship to which these soldiers have been subjected, from being detained so long as prisoners on board, and be thus inclined to afford them relief from your own sense of justice rather than from the orders of her Catholic Majesty's Government. We have therefore to request your Excellency will be pleased to permit these soldiers to come on shore at such times, and subject to such restrictions, as may be considered reasonable. With this view we would undertake that they shall not be permitted to come in a greater number than six at a time, attended always by a non-commissioned officer, and only in the undress of the service, without arms.

We think it right to add, that from the time of the arrival of the "Romney," the officers and crew have been most anxious in all respects to conform to the regulations of the harbour; and in the case of a negro slave who had secreted himself on board the "Romney," the conduct of Lieutenant Jenkin in giving him up to the proper authorities, has received the full approval of both governments.

We have the honour to be, &c.,

(Signed)

J. KENNEDY.

E. W. H. SCHENLEY.

To His Excellency the Captain-General.

&c. &c. &c.

Second Enclosure in No. 61.

(Translation.)

The Captain-General to Her Majesty's Commissioners.

GENTLEMEN,

Havana, 2nd May, 1838.

I HAVE received your official note of the 1st instant, in which, after alluding to the measures of my predecessor in respect to prohibiting the black soldiers of Her Britannic Majesty's ship "Romney" from coming on shore, you express the necessity of my dispensing with the observance of those measures, by permitting the said soldiers to land without impediment, under the restrictions prescribed by you.

My predecessor possessed motives for dictating the said resolution: he submitted them to the consideration of Her Majesty the Queen Regent; and the resolution of the subject is still pending. These circumstances are sufficient to convince you of the impossibility of my making alterations; and I flatter myself, notwithstanding, that you will do me the justice to believe, that I am determined on the punctual observance of the Treaties, and to afford the greatest possible protection to the subjects of a friendly nation.

This I have the honour to state to you in reply, availing myself of this first occasion to assure you of my highest consideration.

God preserve you many years.

(Signed)

JOAQUIN DE ESPELETA.

To the Commissioners of Her Britannic Majesty.

No. 62.

Her Majesty's Judge to Viscount Palmerston.—(Received June 20.)

MY LORD,

Havana, 21st May, 1838.

I HAVE the honour to enclose the copy of a letter to His Excellency the Captain General Espeleta, on the subject of a gross defiance of his authority and the laws of the country, which had come to my knowledge. A number of negroes having been landed from one or more vessels on the coast between this harbour and Matanzas, some I understood from the Russian brig "*Gollupk*," referred to in the Despatch of this date, the "*Principeño*," steam-boat, usually running between here and Matanzas, was engaged to bring them, in number 306 negroes, and landed them in this harbour, at a wharf near the Factoria, or place for the Government stores, where the landing could not have been possibly effected without the sanction of the officers of the Government on the spot. There was reason to fear also that this was not a solitary instance of the like misconduct, as, according to credible information, there were on that same day 750 negroes at or about the same place.

To this letter written and forwarded to the Captain General on the 4th instant, His Excellency has not yet returned an answer.

I have, &c.

(Signed)

J. KENNEDY.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 62.

Her Majesty's Commissioners to the Captain General.

MOST EXCELLENT SIR,

Havana, 4th May, 1838.

WE regret we have to call your Excellency's attention to a daring infraction of the laws of the country, and defiance of your Excellency's authority. A vessel, supposed to be the Russian brig "*Gollupk*," entered here the 26th April, having landed a number of Bozal negroes on some part of the coast between this city and Matanzas, the "*Principeno*" steam-vessel was engaged, and did bring the negroes, on Friday last, the 27th April, in number above 300, and landed them in this harbour, at a wharf near the Factoria. On that day, we understand there were either at the wharf, or in the Factoria, upwards of 700 negroes, all brought in like manner, and permitted by the inferior authorities of the Island, in disobedience to the laws, and in disregard to the Treaties entered into by Spain with Great Britain, which circumstances we beg to submit to your Excellency's serious consideration for inquiry, with a view to the punishment of those who shall be found guilty of being concerned in these proceedings.

We have, &c.

(Signed)

J. KENNEDY.

E. W. H. SCHENLEY.

To His Excellency the Captain-General,
&c. &c. &c.

No. 63.

(Extract.)—*Her Majesty's Judge to Viscount Palmerston.*—(Received June 20.)

MY LORD,

Havana, 21st May, 1838.

OF the vessels arrived at this place during the last month (April) from the Coast of Africa, I have been able to ascertain the following:—

April 1st,	Portuguese brig	" <i>Matilde</i> ,"	Ferreira, Master
" 19th,	" schooner	" <i>2 Amigos</i> ,"	Cáreira, "
" "	" brig	" <i>Serafina</i> ,"	" "
" 21st,	" schooner	" <i>Feliz Triunvirato</i> ,"	Sarazabal, "
" 26th,	Russian brig	" <i>Gollupk</i> ,"	Barnadas, "

Of these your Lordship will perceive that one is a Russian, said to have been fitted out from Odessa, from which port also it is said there is another on the Coast of Africa.

In addition to these, Her Majesty's sloop "*Pearl*," Commander Lord Clarence Paget, on the 28th April came into the harbour with two Portuguese vessels, one the "*Diligente*" (being the notorious fast sailing slaver formerly known under the name of "*Vengador*"), having on board 480 negroes, and the other the "*Opposição*," which had recently landed a cargo of negroes on the coast. The former vessel was sent off immediately to Nassau, thence to proceed to Sierra Leone, and the "*Pearl*" sailed with the other in company on the 10th instant, to be taken before the Mixed Court at Sierra Leone, under the additional articles of the Treaty with Portugal of the 15th March, 1823. The object Lord Clarence Paget had in view was—1st. To clear up a doubt as to the character, Portuguese or Spanish, of the "*Diligente*," which appeared satisfactorily to be Portuguese; and, 2ndly, in the case of the "*Opposição*," which was unquestionably Portuguese, to learn the opinion of Her Majesty's Judge, whether it came within the additional Articles of the 15th March, 1823, referred to. Though this practice, of taking an extra-judicial opinion is objectionable, as leading to many inconveniences, Her Majesty's Judge thought it his duty, in furtherance of the service in which he holds his appointment for the suppression of the trade, to reply that, in his judgment, the evidence offered "clear and undeniable proof of slaves having been put on board the vessel for the purpose of illegal traffic, in the particular voyage on which the vessel was captured." The fact is a matter here of unquestioned notoriety, though the landing had been effected unwitnessed two or three days previous to the detention. The "*Diligente*," otherwise the "*Vengador*," though Portuguese beyond capability of proof to the contrary, was well known here to be engaged in the behalf, if

not actually the property, of the great slave-dealer, Pedro Martinez of Cadiz, and uninsured, in reliance upon her fast sailing qualities.

Your Lordship will be gratified further to learn, that another Portuguese vessel, the "*Camoens*," belonging to an individual here named Mazorra, of whom mention has been made in former Despatches, was about the same time captured by Her Majesty's sloop "*Sappho*," Commander Frazer, with 575 slaves on board, and taken to Nassau. Commander Frazer had been in this harbour a few days previously, and having cruized long unsuccessfully, was recommended by Her Majesty's Judge to sail to the east of the island, on the supposition that the best vessels, with the ablest seamen, might prefer that more dangerous course to avoid the cruisers, rather than the easier navigation by the Isle of Pines, where slave-vessels have hitherto been generally met with. Commander Frazer left this place on the 27th April, expressing an intention to follow this advice, and, as it has proved, with success.

In connexion with the name of Mazorra (your Lordship may remember his being named in the Report for the last year as concerned in the supplying of vessels with Portuguese papers, to be placed under the Portuguese flag), I regret to have now to inform your Lordship, upon authority which may be relied on, that the principal agent in this fraudulent proceeding has been the Portuguese Consul at Baltimore, whence so many vessels have come here and proceeded to the Coast of Africa, regularly equipped for the Slave Trade under American colours, and there pretended to be passed over to Portuguese owners and the Portuguese flag, in accordance with schemes previously devised. In consequence of a disagreement on this subject between the Portuguese Consul at Baltimore and the Portuguese Consul at this place, the latter has been suspended, and this circumstance has thus acquired notoriety beyond doubt, which before had not been suspected.

I have, &c.

(Signed)

J. KENNEDY.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

No. 64.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, June 25th, 1837.

WITH reference to your several Despatches relative to the Spanish vessel the "*General Laborde*," and to the construction which, in that case, the Spanish Commissioners gave to the Tenth Article of the Treaty of the 28th June, 1835, between Great Britain and Spain: I herewith transmit to you, for your information and guidance, the copy of an instruction which by Her Majesty's command I have addressed upon the subject to Sir George Villiers, Her Majesty's Envoy at Madrid, and an extract of a Despatch which I have received in answer from that Minister.

I am, &c.

(Signed)

PALMERSTON.

Her Majesty's Commissioners,

&c.

&c.

&c.

First Enclosure in No. 64.

Viscount Palmerston to Sir George Villiers, Foreign Office, April 6, 1838.

(See Papers of 1837, Class B, Further Series, No. 24, p. 16.)

Second Enclosure in No. 64.

Extract from Sir George Villiers' Despatch of May 12, 1838.

(See Class B., No. 7.)

No. 65.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, July 6th, 1838.

WITH reference to my Despatch to you of the 25th ultimo, transmitting to you copies of correspondence relative to the Spanish vessel "*General Laborde*,"

CLASS A.

P

I herewith transmit, for your information and guidance, the copy of a Despatch, and of its enclosure from Sir George Villiers, containing the form of instructions to be given on the part of Her Catholic Majesty, to the Spanish Commissioners at the Havana, for their guidance in the interpretation of the Tenth Article of the Treaty of June 28, 1835, between Great Britain and Spain.

I have, &c.

(Signed) PALMERSTON.

Her Majesty's Commissioners,
&c. &c. &c.

Enclosure in No. 65.

Sir George Villiers to Viscount Palmerston, Madrid, June 16, 1838.

(See Class B., No. 16.)

No. 66.

Her Majesty's Judge to Viscount Palmerston.—(Received July 17.)

MY LORD,

Havana, 19th June, 1838.

I HAVE the honour to acknowledge having received from your Lordship the Despatches of the 4th April last, being that communicating your Lordship's demand to the Government at Madrid to dismiss Lieutenant Cruz from Her Catholic Majesty's service, on account of his misconduct in not bringing the "*Matilde*" slave-vessel before the Mixed Court; and a second correspondence with the Count Ofalia, respecting the permission given at St. Jago de Cuba, to the vessel "*Eliza*," to carry 120 pairs of leg-irons on boards.

I have, &c.

(Signed) J. KENNEDY.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 67.

Her Majesty's Judge to Viscount Palmerston.—(Received July 17.)

MY LORD,

Havana, 19th June, 1838.

IN my Despatch dated the 21st ultimo, I enclosed to your Lordship the copy of a letter I had addressed to His Excellency the Captain-General, on the fact having come to my knowledge of 306 negroes (who had been put on shore a few miles distant from this place from some vessel not ascertained, but supposed to be the Russian brig "*Gollupk*," being brought here and landed in the harbour by the "*Principeño*" steam-boat.

Not having received any answer to the complaint thus made of this daring infraction of the laws of the country and treaties with Great Britain, I directed a verbal application to be made to one of the Secretaries of the Government, intimating an intention of again calling the attention of the Captain-General to the subject, unless I received an early reply to my former communication.

On the 30th May accordingly I received His Excellency's reply, together with a copy of the proceedings taken in a delusive inquiry made into the charge, of which, with His Excellency's letter, I enclose your Lordship an abstract.

From these proceedings, carried on partly by the Captain of the *Barrio*, and partly by order of the General of the Marine, your Lordship will perceive such remarkable discrepancies in the evidence as can leave no doubt of the fact of the parties having been guilty of the transaction alleged. In the one examination the real Captain of the steam-boat, Ramon Ferrer, deposes that at the time specified he did not go out with the steam-boat, being then under arrest for debt in consequence of a law-suit, whereas in the other examination he acknowledges the reverse, that he did go out with the steam-boat on the 26th April, "to go to Matanzas," without a word as to any engagement to look after any vessel that had got on shore on the Colorados, which is on the other side of the harbour from the course to Matanzas; while the other pretended captain of the steam-boat, Damian Ferrer, who signs his examination with a cross, not being able to write, deposes

that he took the steam-boat out on the 26th April, to look for a Spanish vessel which had got on shore on the Colorados, and which he found and brought into the harbour on the 27th, on going out a second time. If there be any truth in this statement, the vessel had probably either got on shore in landing the negroes, or had put them on shore there, when finding the vessel on the reefs of the Colorados. Altogether, your Lordship will see that there is no direct answer or denial to the accusation; nor does it appear that the question was directly put to them, or direct answer required, whether they did or did not at any time bring into this harbour upwards of 300 negroes, who had been shortly before landed on the coast from some slave-vessel a few miles from this place! Meanwhile their equivocating declarations respecting the steamer being engaged on that day in bringing off a vessel that had got on shore on the Colorados, will afford a satisfactory conviction that the charge was well founded.

Under these circumstances I felt it my duty to address another letter to His Excellency the Captain-General, pointing out those considerations to his notice, and, though without hope of any successful result, trust I may convince the inferior officers of the Government that their attempts to conceal the real guilty character of the transaction, are not calculated to deceive any but those who are willing to be deceived.

I have been the more induced to persevere in forcing this matter upon the attention of the Captain-General, because I have heard of another transaction of the same kind about a month previous, in which the "*General Tacon*" steam-boat was engaged, though the length of time that has elapsed, and my ignorance of particulars, prevent my making with respect to it a formal complaint. These circumstances, however, prove that the practice has been reduced to a system of slave-vessels landing their cargoes wherever they had an opportunity on the coast, and then of having a steamer despatched to bring those cargoes as required. Strict watch, therefore, ought to be observed to counteract these machinations, and I intend to propose to the next cruiser coming into this harbour, to follow any steam-boat that shall go out at any time of the day for which it was not advertised.

In confirmation of these remarks I would further point out to your Lordship that part of the charge of there being upwards of 750 negroes on the day specified in the *Factoria* (a place for government stores), and the wharfs adjoining, which is not attempted to be denied, while the evidence so carefully expressed of no negroes having been seen to be landed in the day-time reduces the supposition to a certainty of what was done in the night.

I have, &c.

(Signed)

J. KENNEDY.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

First Enclosure in No. 67.

(Translation.)

The Captain-General to the Honourable Commissioners.

GENTLEMEN,

Havana, 29th May, 1838.

I RECEIVED in due time your communication of the 4th instant, informing me of the landing on this Coast from a vessel, supposed to be the Russian brig "*Golluph*," of a number of Bozal negroes, who, to the number of 300 and upwards, were brought into this port in the steam-boat "*Principeño*," and landed at a wharf adjoining the *Factoria*; and in order to proceed in this affair according to law, I directed it to be referred to the first *Teniente Asesor General* for his opinion, which, under date of the 5th instant, he gave as follows:—

"Most Excellent Sir—It is expedient, without loss of time, to proceed to the summary investigation of the facts to which the British Commissioners refer in their official note, and your Excellency may therefore be pleased to direct, that a certified copy of the said official letter, also of this opinion, and the Decree consequent thereon, if approved, be communicated in the usual form to the Commandant-General of the Station, in order that his Lordship may direct, on his part, the necessary steps to be taken, and be pledged to acquaint your Excellency with the result: and likewise that the before mentioned official letter of the Commissioners be forwarded to the Capitan of the Ward of Jesus Maria, that he may immediately proceed to the necessary inquiry, with all the activity and zeal required by the affair in question, and make a report of the result. This is my advice, saving your Excellency's better judgment."

In conformity with this opinion, I addressed the Commandant-General of Marine for the above-mentioned object; and, at the same time, directed the Capitan of the Ward of Jesus Maria to enter upon his inquiry with the greatest possible dispatch. The investigations of both being concluded, I remit you a copy of each Report, for whatever purpose you may require it.

God preserve you many years,

(Signed)

JOAQUIM DE ESPELETA.

To the Commissioners of Her Britannic Majesty.

Second Enclosure in No. 67.

Abstract of the Summary of Proceedings against the Steam-Boat "Principeño," in consequence of the complaint made by Her Britannic Majesty's Commissioners of her having introduced Bonaf-Negroes into this Port.

A TRANSLATION of the official note of Her Majesty's Commissioners of the 4th May is submitted to the Assessor for his opinion thereon, who, on the following day, gives it in the terms, as transcribed in the reply of the Captain-General to the Commissioners, dated the 29th May. In consequence of the Assessor's opinion the Commandant-General of Marine is directed, on the 7th May, to cause investigation of the circumstance to be made, who, on his part, refers it to the Commandant of Registers, by whom the Lieutenant in the Spanish Navy, Don Joaquim de Luazo, is commissioned for the purpose. This officer, together with the public Notary, Don Juan Agustin de la Peña, proceed to summon for examination the Captain and crew of the "*Principeño*," find that she is not in port, but that her former Captain, Don Ramond Ferrer, happens to be, whereupon he is summoned, and declares as follows :—

Declaration of Don Ramond Ferrer.

That on the 27th of last month he was no longer Captain of the "*Principeño*," being under arrest in consequence of a law suit prosecuted against him by Don Manuel Leuria for a debt, but he knows for certain that the "*Principeño*" left this port on the 27th ultimo, in search of a Spanish brig which had got ashore to leeward, and was reported to have been carried off by the stream to windward; for this she was freighted, and went out with only the fuel she had at the time on board, which, on examination, was found to be insufficient, and seeing nothing of the brig, it was determined that she should return, which she did accordingly, and went alongside the wharf of Tallapiedra, where she took on board 60 tons of coals, which deponent had bought expressly of Don José Chicota, several persons being present the while, amongst whom were Don José Sesmon and Don José Sesonosa. This occupied her from 9 in the morning till 2 in the afternoon, at which hour she put off to her usual anchorage opposite San Francisco. The following day (the 28th) in the morning she went again in search of the brig, found her to the N.W., about 6 miles from the Moro, and brought her into port. The preceding evening she was busy cleaning the boilers, and when this was done it was too late to go out, it being midnight, and the situation of the brig not ascertained. That the said steam-boat left for Guanaja on the 5th instant, and is expected to return in 8 or 9 days as usual. That he knows from Damian Ferrer that the two last trips she touched at no intermediate port. That he has nothing to add to this declaration, which he signs, together with the Lieutenant, Don Joaquim Zuaza, and the Notary.

Declaration of Don José Chicota.

On the same day Don José Chicota, a Coal Merchant, whose premises are adjoining the wharf of Tallapiedra, was examined, and declared as follows :—That on the 26th or 27th of last month, he is not quite certain which, about 9 o'clock in the morning, Don Ramon Ferrer, part owner of the "*Principeño*," came to his store and bargained with deponent for 70 tons of coals at 8 dollars per ton. After 10 o'clock, as it appears to him, they saw the "*Principeño*" arrive, but she landed nothing whatever, and shipped part of the coal with 2 boats, leaving the remainder in the store, which operation kept her till 2 in the afternoon, when she went off into the Bay. That several persons were present when she arrived, whilst she remained at the wharf, and when she put off into the Bay, but that he cannot name any of them as he did not notice them. Which is all he knows respecting the affair, and has, therefore, nothing to add to his declaration, which he signs with the before-mentioned Lieutenant and the Notary.

Declaration of Don José Tesmon.

Don José Tesmon, by trade a Carpenter, was then examined, and he declared as follows :—That on the 27th of last month, whilst at work near the wharf at Tallapiedra, and the store of Don José Chicota, about 9 in the morning he saw the "*Principeño*" steam-boat anchor there and load boats, although he cannot say how many, from the said store to the steamer; that during this time she landed nothing whatever, and after a good while deponent saw her put off into the Bay, which is all he knows respecting her. He then signs his declaration, together with the Lieutenant and the Notary.

Declaration of Don José Lesgonosa.

Don José Lesgonosa, a Timber Dealer, is next examined, and declares :—That on the 27th of last month he was as usual on the wharf at Tallapiedra buying and selling timber, when, about 10 o'clock in the forenoon, the "*Principeño*" steam-boat anchored, and began with her boats and others from the wharf to load a great quantity of coals, as he perceived by their often-repeated trips; but that he saw nothing whatever landed from the steamer, which, on concluding the before-mentioned operation, about 2 in the afternoon, went off into the Bay. This is all he knows on the subject, which he affirms with his signature, the Lieutenant and the Notary also signing.

Suspension of Proceedings.

The examination was then suspended until the return of the "*Principeño*," and notice thereof given to the Commandant General.

Declaration of the Master Damian Ferrer.

On the 21st May the "*Principeño*" arrives, when the Master, Damian Ferrer, is summoned, and declares : That on the 25th of last month, early in the evening, Messrs. Roig and Brunet, consignees of the Spanish brig "*Amnistia*," came on board and told him they had notice that the said vessel from Monte Video, had got ashore on the Colorados, and although nearly off again, had no helm; and they feared that unless she was immediately looked after, the current would carry her out to sea and she would be lost. Deponent stated to them, that having just arrived from sea he had but little fuel on board; and unless the vessel was very near he could not go out in search of her, besides, that his engine was dirty. The consignees, however, insisted; and thinking she would be near, and must have got off from where she stranded the day before, he determined to go out very early on the 26th; he went to windward, thinking the current would have drifted her to the N. E., but seeing nothing of her, and the breeze freshening, and his fuel nearly expended, he returned into port about 10 o'clock the

same morning, and anchored off Talla-piedra, for the purpose of taking in coals. There he found Don Ramon Ferrer, part owner of the steamer, and was ordered by him to load with his two boats, and one from the shore as quickly as possible, coals which he had bought at a store adjoining the wharf, belonging to Don José Chicota. This occupied him all the morning. In the evening he went off to his usual anchorage, and ordered the engine to be cleaned, which was not finished until late at night. The next morning he went out again, and found the brig about 7 miles to windward, took her in tow, and brought her in. That he has nothing to add to this declaration, which he affirms with the sign of the cross, not knowing how to write; the Lieutenant and the notary signing their names.

Supercargo deposes.

The Supercargo of the "*Principeño*," Don Cayetano Basurto, next deposes in precisely the same terms.

Steward deposes.

Also the steward, Francisco Arrana.

Two of the Crew.

Also Pedro Pascual, and Juan Prast, companeros on board the "*Principeño*."

The examinations being concluded, the Lieutenant commissioned for the investigation reports to the Commandant of registers.

"It appears by the examination of the witnesses in this case, that Damian Ferrer, master of the steam-boat "*Principeño*," was invited by the consignees of the Spanish brig, "*Amnistia*," from Monte Video, to go in search of her, for though they had intelligence of her having got off the Colorados, where she had been ashore, she had lost her helm. Ferrer told them that if she was very far off he could not go, as, having recently arrived from sea he was short of fuel, and his engine was also dirty; but they insisting upon the urgency, and deploring the loss of the expedition, he determined to go out under the express condition of returning if he did not find her near the port, and to windward, for he calculated on the current drifting her there. Accordingly on the 26th of last month, the "*Principeño*" steered to windward, and seeing nothing of the brig after having gone about 20 miles to the N. E., and the breeze freshening, he returned into port, and anchored off Tallapiedra, where Ramon Ferrer awaited him with coals, which he had purchased there of Don José Chicota, whose store it appears is in the neighbourhood. He embarked the coals and went to his anchorage the same evening. The following morning he went out again to perform his agreement, brought the brig in tow, and anchored in this port. This is the statement of the deponents, corroborating that of the Master, and others interested; and there being no positive proof to the contrary, it appears worthy of attention what has been proved by possible means; that no blame does attach to the Master of the "*Principeño*," from the proofs which he presents against his accusation. This is my opinion, saving your better judgment.

Havana, 22d May, 1838.

(Signed) JOAQUIM ZUAGO."

Agreeing with the above, the Commandant of Registers on the same day remits the summary to the Commandant General of Marine, who also, on the same day remits it to the Captain General, with the following letter.

The Commandant General to the Captain General.

"MOST EXCELLENT SIR,

"In compliance with your Excellency's request, contained in your official letter of the 7th Inst. I enclose the summary of the proceedings consequent upon the complaint made by Her Britannic Majesty's Commissioners against the Captain of the steam-boat "*Principeño*," of her having introduced Bozal negroes into this port, it being proved thereby, that the accusation is not certain. (*no ser cierta la acusacion*.) God preserve your Excellency many years!

Havana, 22d May, 1838.

(Signed)

JUAN BAUTISTA TOPETE."

Third Enclosure in No. 67.

Abstract of the Summary of proceedings by the Capitan of the ward of Jesus Maria, in consequence of the complaint of Her Majesty's Commissioners that Bozal negroes were landed near the Factoria, in his ward.

The Capitan of the ward of Jesus Maria, Don Manuel de Moya y Morejon, being directed by his Excellency the Captain General to enter upon an enquiry in consequence of the complaint of Her Majesty's Commissioners that Bozal negroes were landed from the "*Principeño*," at a wharf near the Factoria, proceeds to examine the proprietor of the wharf at Tallapiedra, adjoining the Factoria, the store-keepers, shopmen, and others in the vicinity. Their several declarations are as follows:

Don Francisco Cacho, proprietor of an eating and coffee-house adjoining the wharf at Talla-piedra, deposed, that on the 26th of April last, until after 8 o'clock in the evening, when he left the wharf, where he had been all day in his business as a dealer in coals and wood, there was nothing landed or embarked besides the said articles of fuel; that he recollects on that day seeing the steam-boat "*Principeño*" loading coals with a boat; that he has been about 10 years established at Talla-piedra or its immediate vicinity, and has never seen or heard of Bozal negroes being landed there; that the coals the "*Principeño*" loaded were from the store of Don José Chicota.

Don Ramon Ferrer deposes that he is captain of the "*Principeño*;" that on the morning of 26th April last he went out in the said vessel under his command to go to Matarzas, but returned early the same morning for want of coals; that on going out he left the Russian brig "*Gollupk*," about which he is questioned, in port, and on his return found her in the same place, so that she could not, as suggested to him, offer him any cargo; that on entering the port he went direct to the place called

Tallapiedra, where he purchased from Don José Chicota 60 tons of coals, which were put on board the steamer by her boats; that he paid 8 dollars a ton for the coals, which made the whole amount to 480 dollars; that they were shipped from the wharf of Don Pedro Urrutia, in Tallapiedra.

Don José Chicota, a coal-merchant, whose store is close to the Real Factoria, deposed, that he could not well recollect having on the 26th ultimo seen anything but coals and wood, which are the usual articles of traffic there, at the wharf, but particularly mentioned the shipment of 60 tons of coals, which he sold on that day to the captain of the steam-boat "*Principeño*," which coals deponent had been himself landing at the wharf on that and several previous days, and continued landing afterwards; that the coals for the steamer were shipped from the wharf of Don Pedro Urrutia, in boats belonging to her; that they cost 80 dollars a ton, and the whole quantity 480 dollars; that he has never seen, or even heard of Bozal negroes being landed at or near the Factoria, or anywhere thereabouts.

Don Pedro Urrutia, proprietor of a Pulperia (wine-shop) and a timber-yard, with a wharf near the Factoria, deposed, that nothing was landed or shipped from his said wharf on the 26th April but coals and wood; that he was there the whole day; that he cannot recollect all the vessels that were at the wharf on that day, as there are generally several coasters there employed in the above trade, but he recollects having seen the boats of the "*Principeño*" loading a quantity of coals; that Don Antonio Caparro has an establishment adjoining for selling coals, Don José Chicota has another, and Don José Cacho an eating and coffee-house; that he has never seen or heard of Bozal negroes being landed in Tallapiedra, at the Factoria, or any where in the neighbourhood.

Don José Hernandez, a coal and wood dealer at Tallapiedra, near the Real Factoria, and owner of two coasters employed in the trade, deposes that he was on the wharf the whole of the 26th April until the hour of "*oracion*," and that nothing was landed or embarked from there but coals and wood; that neither on that day, or any other, has he ever seen or heard of Bozal negroes being landed there or thereabout.

Don Antonio Allsma, skipper of a coasting vessel employed in the coal and wood trade, deposed that on the 26th April last he was all day on the wharf at Tallapiedra, from daylight until sun-set, engaged in his ordinary occupation of dealing in the above articles; that he has never seen or heard of Bozal negroes being landed there; that on the said 26th April he saw the steam-boat "*Principeño*" at anchor off the wharf, but knew not for what purpose she was there, although he did see them carrying coals on board in their boats from Don Pedro de Urrutia's wharf.

Don Lorenzo Orfila, a dealer in coals, deposed that he was as usual the whole day of the 26th April on the wharf at Tallapiedra, and that he saw nothing landed at, or shipped from it but coals and wood; that he never saw or heard of Bozal negroes being landed at or in the vicinity of the Factoria; that on that day he saw the boats of the "*Principeño*" loading coals from the said wharf at Tallapiedra.

Don Antonio Caparro, proprietor of a coal wharf in the Bay at Tallapiedra, near the Factoria, and owner of three coasting vessels employed in carrying coals and wood, deposed that he was the whole day of the 26th April in his house, which overlooks the Bay, and that nothing but coals and wood were landed at or taken from the wharf; that he has never either seen or heard of Bozal negroes being landed thereabout; that he saw the "*Principeño*" anchored off Tallapiedra on the 26th April, and knew that Don José Chicota had sold coals for her use, and that he saw the said steamer's boat landing them.

Don Luis Rebolledo, a servant in the Pulperia (wine shop) also in the timber yard, and on the wharf of Don Francisco Urrutia, deposed, that he was all day at his usual work, from daylight till night, and saw nothing but coals and wood landed or shipped at the wharf, as usual, on the 26th April; that he has never seen or heard of Bozal negroes being landed in that neighbourhood; that on the said day he saw the "*Principeño*" anchored off Tallapiedra, and heard that she had come there to take in coals, which were, in fact, sent off from the wharf.

Fourth Enclosure in No. 67.

Her Majesty's Judge to the Captain-General.

MUST EXCELLENT SIR,

Havana, 7th June, 1838.

I HAVE had the honour to receive your Excellency's reply of the 29th May to my complaint of the 4th May, respecting the "*Principeño*" steam-boat having landed in this harbour, on the 26th April last, upwards of 300 Bozal negroes, who had a short time previously been put on the coast a little distance from this place. At the same time your Excellency was pleased to send me copies of proceedings taken in the enquiry into the transaction, which your Excellency has instituted.

Relying fully on your Excellency's determination to observe the Treaties between the two countries, as well as to maintain the supremacy of the law, I must beg to point out to your notice, 1st. the remarkable discrepancy in the answers of the Captain of the steam-boat, Ramon Ferrer, when examined by the Captain of the *Barrio*, and when examined by order of the General of the Marine. In the one examination he intimates that he did not go out with the steam-boat at the time specified, being then under arrest, in consequence of a law-suit; whereas, at the other examination, he acknowledges that he did go out with the steam-boat on the 26th April, "to go to Matanzas," without any reference to any engagement to look after any Spanish vessel on the coast, while the other pretended Captain, Damon Ferrer, deposes that he took the "*Principeño*" out that day in search of a Spanish vessel that had got on shore on the Colorados. These discrepancies are so remarkable that I feel surprised at their having escaped the notice of your Excellency's Assessor, while the whole examination appears to me only of a character to deceive those who are willing to be deceived.

2d. That, in answer to these enquiries no denial of the charge is made, nor does any direct question

appear to have been put, or direct answers required, whether the parties were engaged or not, at that time, in the alleged transaction of bringing negroes into the harbour from any part of the coast.

3rd. That no supposition existed, nor was any charge made, that the negroes were landed in the harbour in the day-time, to which alone the witnesses examined refer: while that part of the charge is totally passed over, stating that there were the same day in the Factoria, or wharfs adjoining, upwards of 750 Bozal negroes, all, no doubt, landed under similar circumstances.

In corroboration of this, I regret to have to inform your Excellency that the steam-boat "*General Tacon*" was engaged, a short time previously, in a like transaction; and I have good reason to believe these are not the only instances of such infractions of the law of recent occurrence through the instrumentality of the steam-boats.

To his Excellency the Captain-General, &c. &c. &c.

I have the honour to be, &c.,

(Signed) J. KENNEDY.

No. 68.

(*Extract.*)—*Her Majesty's Judge to Viscount Palmerston.*—(*Received July 17.*)

Havana, 19th June, 1838.

DURING the last month, I believe the following were the only slave-vessels that arrived in this harbour, viz.

May 3.	Portuguese schooner	2da. Union	Canosa,	Master.
" 6.	" "	Bu Viaxe	Proenza,	"
" "	" "	Constancia	Plat,	"
" 23.	" "	Veloz	Roberdeo	"

Others however may have arrived, respecting which we have not received information, as our means of procuring any are so very precarious; thus I have reason to think, that in addition to the 5 vessels reported in my Despatch of the 21st May last, there were two others under Portuguese colours, of which I have learned neither the names nor the precise date of arrival (though no doubt to be found in the books at the custom-house, from the monthly report of the numbers of which, as published in the "*Diario*," I make this conjecture). In the same summary it is stated, that two Portuguese vessels sailed from this harbour during the same month of April; and as Portugal has no other trade with this place, there can be no doubt of their destination.

Of the number of negroes brought in the above-named vessels I have not been able to ascertain the particulars; but I regret to have to say, that the "*Barracones*" are reputed to be well supplied, and the price of negroes in the market is reduced. One of these repositories is in the immediate vicinity of the public "*Paseo*;" and in a visit to this city, paid in the beginning of last month by His Royal Highness the Prince de Joinville, the French Consul took His Royal Highness to this *Barracon* in open day, as to one of the sights of the place!

The Russian brig "*Golupk*," which I reported to your Lordship in my Despatch above referred to, cleared out from this harbour on the 26th ultimo for Genoa, according to announcement in the "*Diario*" of the 27th, though I suspect this was inserted for the purpose of deception, as considerable notice had been excited by the entry of such a vessel from such a quarter. I have had it repeated from the Russian Consul, that he had examined the vessel's papers very carefully, and found she had been sent from this port to Odessa, where the transfer was made, and that her sea-pass was signed by the Russian Ambassador at Constantinople. Under these circumstances, perhaps your Lordship will think it advisable to send a notice of the vessel to Her Majesty's Consul at Genoa, to observe the movements of the parties, as I am informed there are several other vessels on their way to Odessa, and as a vaunt has been made that "even if they (the slave-dealers) should be deprived of the Portuguese flag, they had another in reserve with which the English would not dare to interfere," apparently referring to the Russian.

Your Lordship will no doubt have been informed of the miserable fate of upwards of 300 negroes wrecked on board the "*Estella*" schooner, under Portuguese colours, on the coast of Jamaica. The crew, it appears, escaped on shore, leaving the unfortunate Africans on the shoal, and had been landed some days before they made known the fatal circumstances of the wreck, so that when the fact transpired and search was made, it was found their victims had all unfortunately perished. It is said that several of the crew have informed against others having stabbed one or more of the Africans, who attempted to get with them into the boat, and that the authorities at Jamaica have them in consequence in custody upon a charge of

murder. The owner is a person here named Ramon Font, and he has been making anxious enquiries as to the best means, by bribes or otherwise, of procuring the liberation of the captain and crew, for whose benefit it is certainly true that a large sum of money has been remitted to Jamaica. The "*Estella*" sailed from this place on the 19th October, and was formerly known in the trade, when under Spanish colours, as the "*Francisca*."

No. 69.

Viscount Palmerston to Mr. Kennedy.

SIR,

Foreign Office, July 17, 1838.

HER Majesty has been pleased to nominate Mr. Edward Wyndham Harrington Schenley, now arbitrator, on the part of Great Britain, in the mixed British and Spanish Court of Justice established at the Havana, to be arbitrator, on the part of Great Britain, in the British and Netherlands mixed Court of Justice established at Surinam. And Her Majesty has been further pleased by the accompanying commission to nominate and appoint Mr. Campbell James Dalrymple, now arbitrator at Surinam, to succeed Mr. Schenley as arbitrator on the part of Great Britain in the British and Spanish mixed Court of Justice, established at the Havana.

I have directed Mr. Dalrymple to repair forthwith to the Havana to undertake the duties of the situation to which he is appointed.

You will, on his arrival, communicate to him this dispatch. You will deliver to him Her Majesty's commission of appointment, and invite him to take in due form the oath which is prescribed to be taken by him prior to entering upon his duty in the character assigned to him in Her Majesty's commission.

You will announce this appointment to the Spanish members of the mixed Court of Justice, destined to act with you under the treaty of the 28th of June, 1835, for the abolition of the Slave Trade.

You and Mr. Dalrymple will be guided in your respective characters of judge and arbitrator by the instructions which have heretofore been addressed to Her Majesty's Commissioners by the Secretary of State; and you will receive from me such further instructions as Her Majesty may judge it necessary to give for your guidance.

I enclose to you a copy of the instruction which I have addressed to Mr. Schenley on the subject of this letter.

I am, &c.

(Signed)

PALMERSTON.

To James Kennedy, Esq., Her Majesty's Commissioner, Havana.

No. 70.

Her Majesty's Judge to Viscount Palmerston.—(Received August 22.)

MY LORD,

Havana, 2nd July, 1838.

THE Act of Parliament 5 Geo. IV. c. 113, s. 75, requiring a return to be made on the 1st day of July in every year of all cases which shall have been adjudged in the several Mixed Commission Courts respectively during the 6 months preceding, I have the honour to inform your Lordship, that the enclosure contains the only case, which has been brought before the Mixed Court of Justice at this place, since the 1st day of January last.

I have, &c.

(Signed)

J. KENNEDY.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 70.

Return of Case adjudicated in the Mixed Court of Justice at Havana between the 1st January and 1st July, 1838.

Name of Vessel.	Date of Seizure,	Property seized.	Seizor.	Date of Sentence.	Decretal part of Sentence, whether Forfeiture or Restitution.
Vigilante . .	15th Decem. 1837.	Spanish Schooner, with 18 negroes.	Commander Nixon, H. M. Sloop. "Ringdove."	19th Jan. 1838.	Restitution.

(Signed)

J. KENNEDY.

No. 71.

Her Majesty's Judge to Viscount Palmerston.—(Received August 22.)

MY LORD,

Havana, 2nd July, 1838.

I HAVE the honour to acknowledge having received your Lordship's Despatch of April 28th last, communicating the opinion of Her Majesty's Law Advisers on the case of the "*Vencedora*," and your Lordship's consequent directions to Her Majesty's Minister at Madrid. In expressing my gratification to learn, that the opinion of Her Majesty's Law Adviser coincides with my own, I cannot but express a hope, that the representations of your Lordship to the Spanish Government may be speedily allowed their due weight; as from all the inquiries I have made, I have reason to believe that the system has been carried on to a very great extent, of making Porto Rico a depôt for slaves, and thence smuggling them into the Havana in smaller vessels.

I have at the same time to acknowledge your Lordship's separate Despatch, notifying the appointment of Mr. Dalrymple as Commissioner of Arbitration at this place, in the stead of Mr. Schenley; which change of appointment I have duly communicated to the local authorities and the Spanish members of the Commission.

I have, &c.

(Signed)

J. KENNEDY.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

No. 72.

Her Majesty's Judge to Viscount Palmerston.—(Received August 22.)

MY LORD,

Havana, 17th July, 1838.

ON the 30th of June last, having myself observed two slave vessels enter the harbour, one under Portuguese and the other under Spanish colours, and both signaled at the Moro' Castle as having come from the Coast of Africa, I found it more imperatively my duty to address a letter on the subject, to His Excellency the Captain General, of which I enclose your Lordship a Copy. I transmit it thus early, though as yet I have received no reply, as the peculiar character of the vessel last referred to is one to excite our utmost indignation, while the miserable fate of so many victims of such inhuman traffic must also excite the utmost horror.

The vessel which came in here under the name of the "*Esplorador*" sailed hence on the 13th June, 1837, under the name of the "*Aguila*," or "*Aguila Vengadora*," supplied with fire-arms and ammunition to a great amount. She sailed it is said to Madagascar and Mozambique, and not finding any negroes on the Coast to be

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bought, forcibly and piratically took from the other vessels there on the same errand, the cargoes they had collected, and gave the robbed vessels a quantity of gunpowder, &c., with a recommendation for them to adopt the same course. Having thus got together about 560 negroes, the report further states, that before they got out of the range of the monsoons they encountered very violent weather, which lasted two days, and compelled them to shut down the hatches, without being able to give the negroes during that time air or food. The consequence was that when the storm abated, and they went to examine their condition, they found about 300 negroes had perished of suffocation and hunger, and with the other ordinary mortality afterwards attending such voyages, arrived here with only about 200 surviving.

Since denouncing this vessel to the Captain-General, another Spanish brig which I have likewise denounced, arrived on the 8th instant, the "Irene," Ageo Master, also from Mozambique, which sailed on the 7th of July, 1837, from this harbour, and was a sort of partner with the "*Esplorador*," having been fitted out by the same owners, Ironmongers of this place, named Fernandez, to the same coast, where they were together blockaded by a British vessel of war, about 3 months. In consequence of this detention and other circumstances attending them, the speculation has proved far from profitable, as, in addition to other disadvantages, and the longer voyage, the negroes from Mozambique at the best only command the average price of 272 dollars per head, while those from the Gold Coast would be worth 425 on account of their being more intelligent and hardy. The loss thus upon the speculation is said to have been no less than 60 per cent.

I have, &c.

(Signed)

J. KENNEDY.

The Right Hon. Viscount Palmerston, C.B.

&c.

&c.

&c.

First Enclosure in No. 72.

Her Majesty's Judge to the Captain-General.

MOST EXCELLENT SIR,

Havana, 7th July, 1838.

THE following circumstances having come under my own observation, it becomes more particularly my duty to submit them to your Excellency's consideration, in the hope that your Excellency will take such steps respecting them as will be in accordance with the good faith due to existing Treaties.

On Saturday last, the 30th June, about 2 o'clock in the afternoon, I saw a vessel come into the harbour under Portuguese colours, which, on passing through Moro's Castle, was signaled there as from her last port by a red flag, signifying that she had come from the coast of Africa. This vessel, I have since learned, was the Portuguese schooner "*Eliza*."

About a quarter of an hour afterwards I saw another vessel enter the harbour under Spanish colours, for which the same signal was hoisted, as coming from the coast of Africa. This vessel, I have also since learned, was the Spanish brig "*Esplorador*," and I observed on board a long brass gun, and a remarkably full complement of men.

Under these circumstances I can have less hesitation in repeating the horrifying accounts reported of this vessel, and which, if true, cannot fail to excite your Excellency's indignation.

The "*Esplorador*," otherwise the "*Aguila*," it is said, sailed from this place for Africa, abundantly supplied with gunpowder and fire-arms, and, not finding any slaves on her arrival there, forcibly and piratically took the cargoes of slaves from some other vessels, for which the crew left a quantity of ammunition in exchange, with a recommendation to the robbed vessels to adopt the same course. That, with a cargo thus nefariously obtained, to the number of about 560 negroes, they sailed on their return from Madagascar, but, having encountered a violent storm, they were obliged to shut down the hatches for more than two days, when, the storm having abated, they went to look at the negroes, and found about 300 had died of suffocation and hunger, cooped up in the miserable hold of the vessel. That, accordingly, the "*Esplorador*" has not brought many more than 200 negroes to this Island, who were landed on the coast, a few days previously to her arrival here on the 30th June last.

At the same time the "*Esplorador*" entered the harbour, a Spanish brig-of-war was also signaled at the Moro', having been for many hours in sight, and then apparently not more than a mile distant from the shore. This brig-of-war, which I did not see enter the harbour, was, I understand, the "*General Laborde*," and appeared to have been a considerable time in company with the "*Esplorador*," so that from neither vessel could they have failed to have observed the character of the other. And yet the officer in command of the vessel of war does not appear to have taken any steps to examine into the cargo or equipments of a vessel so evidently a slaver, nor have I heard of any condemnatory notice taken of the "*Esplorador*" on such account by the Authorities of the port." Your Excellency, therefore, may now probably learn for the first time of such a murderous character having arrived at this place, and arriving unchecked by a Spanish vessel-of-war, and by your Excellency's subordinate Authorities of the Island. Such flagrant disregard of their duties, I feel assured, your Excellency will not sanction: and, as no pecuniary profits or perquisites of office can possibly counterbalance such enormities, and such disregard of solemn Treaties, so, I trust, your Excellency will show the parties that they must not further presume on the forbearance of the Government.

I have the honour to be, &c.

(Signed)

J. KENNEDY.

To his Excellency the Captain-General, &c. &c. &c.

Second Enclosure in No. 72.

(Copy)

Her Majesty's Judge to the Captain-General.

Most EXCELLENT SIR,

Havana, 12th July, 1838.

I REGRET to have to inform your Excellency of another slave-vessel having arrived in this harbour, on the 8th July instant—the Spanish brig “*Irene*,” from Madagascar, Master's name Ageo.

As the circumstances attending this vessel, together with those of the “*Esplorador*,” will unquestionably be brought before the Government of her Catholic, as well as her Britannic Majesty, I trust your Excellency, in instituting an inquiry into the equipments and cargoes of these vessels, and also into the character and conduct of their crews, will employ such Agents as will execute their duties faithfully in the spirit of the Treaties for the suppression of so inhuman a traffic as that in which the parties referred to have been engaged.

I have the honour to be, &c.

To his Excellency the Captain-General, &c. &c. &c.

(Signed) J. KENNEDY.

No. 73.

Her Majesty's Judge to Viscount Palmerston.—(Received August 22.)

(EXTRACT.)

Havana, 17th July, 1838.

I REGRET to have to report to your Lordship an alarming increased series of operations on the part of the Slave-dealers, during the last month at this place. Early in the month I was informed, that there were no fewer than 18 vessels fitting out in the harbour for the Coast of Africa, which number appeared to me so incredible, that I requested Lieutenant Jenkin of the “*Romney*,” to ascertain if possible, the truth of the fact, when he informed me that he had himself counted 15, fitting out apparently for that destination, and had no doubt there were others. I had heard from a quarter on which reliance may be placed, that 13 actually sailed for the Coast of Africa during the month, and in the summary of vessels sailing from this place in June, as published in the *Diario*, it appears there were actually nine sailed under the Portuguese flag, of whose character there can be no doubt. The others I believe were small American vessels, called clippers, from Baltimore, which will return under some other flag; and I understand that in this form of small vessels, the trade may in future be expected to be carried on.

With regard to the use of the Portuguese flag, it is said that most of the vessels either have no papers at all, or that the papers are forged. No valid Portuguese papers can be procured for a less sum than from 1 to 2000 dollars, according to the size of the vessel; and the papers, which it has been said were to be procured at the Cape de Verde Islands for a few dollars, were no doubt counterfeits. There has been, as I before informed your Lordship, a dispute on this point between the Portuguese Consul at this place, and the Portuguese Consul at Baltimore, on account of which the former has been suspended from his office, and I have heard that the other also has been removed.

During the last year, as I stated in the Report for the year, there seemed to have been given some decided check to the course of the trade. Of two insurance companies established at this place, one declined to take further risks on slave vessels, and the other company has been dissolved insolvent, though I believe they have begun again operations, upon the system, however, of refusing to ensure slave trading speculations. As, from the most accurate calculations I can learn, it appears, that the return of two vessels out of three would only afford a remunerating profit, it may therefore be deduced, from the facts above stated, that the vessels insured have been taken or lost in greater proportion. For a short time then, the check seems to have been given so decidedly to the trade, that in the first quarter of this year, I believe I may state confidently, there were not more than 13 vessels sailed for Africa, though the numbers since have so alarmingly increased. The fact was, that in the meantime, not only did the increased price of negroes tempt the cupidity of the dealers, but an increasing demand for them also arose from the planters here, expecting to have an extended market for their produce, in the prognosticated decrease of exportations from the British West Indies, consequent upon the measures of emancipation. With a view to this, apparently, very increased exertions are going on, in putting new land into cultivation, and in improving the old. A very intelligent merchant told me, that he knew of no fewer than 40 new estates that had been lately opened, (remembering that it will take about two years to make them productive); and with regard to the older plantations, it is well ascertained that there have been about 100,000 boxes of sugar, of 400lbs. each, exported, the season just closed, more than in any preceding.

A considerable number of negroes have been imported during the last month, of whom 1300, it is said, were brought in three vessels, mostly for a merchant named Joaquin Gomez, who has lately been honoured by Her Catholic Majesty, with the grand cross of Carlos Tercero, in right of which he is designated "His Excellency." These 1300 were, I understand, principally sold for the new Plantations in the neighbourhood of Cardenas, at the average, per head, of 340 dollars, and were sent to Matanzas on their way there in the steam-boats, on the 25th of June, and two days following. One lot I saw marched to the wharf to be embarked, all apparently under 20 years of age, and some very young children. Many were exceedingly emaciated, and a number, who appeared unable to walk, were put by twos and threes on the backs of horses and mules, to which they clung with awkwardness, being little better able to ride.

The summary in the *Diario*, above referred to, gives the announcement of five Portuguese vessels having arrived during the month, which agrees with the list of slave vessels I had reported to me as follows:—

June 8	Portuguese brig	Josepha	Durate	Master. from San Tomé
" 15	" schooner	Ligera	Losa Barti	" Isla Principe
" 24	" brig	Fortuna	Barbosa	" San Tomé
" "	" "	Ligero	Miguel Antonio	" Rio Pongo
" 30	" pilot-boat	Eliza	Galindo	" Puerto Praya
" "	Spanish brig	Explorador	Gorronda	" Madagascar

For the horrifying circumstances attending the course of the last vessel I have to refer your Lordship to the other Despatch of this date. Besides these, on the 22nd of June, according to an insertion in the *Diario* of the 8th of July inst., (apparently by oversight) there is announced the arrival at Trinidad, in this Island, of the Spanish brig "*Emprendedor*," Captain Beyga, from Gallinas on the Gold Coast; and we cannot suppose it to be a solitary instance of a slave vessel coming to another port of the Island.

Having in my last monthly Report informed your Lordship, from the announcements in the *Diario*, of two Portuguese vessels having sailed from this harbour during the month of April, I have now only further to add, that, on the same authority, there sailed six under the same colours during the month of May, and I believe several others for the same destination, under Spanish or American colours.

No. 74.

Her Majesty's Judge to Viscount Palmerston.—(Received August 22.)

(EXTRACT).

Havana, 17th July, 1838.

SINCE writing the Despatches of this day's date, I have procured the clearances of vessels from this harbour for the Coast of Africa, during the last four months. They agree so sufficiently with the conjectures I had made in the several monthly Reports, that I have only to point out to your Lordship's attention the circumstance I had not before this day learned, of a French vessel having cleared out of that destination in March last. Had I at the time been aware of the fact, it would of course have been my duty to have made a communication on the subject to the French Consul General at this place.

Enclosure in No. 74.

List of Departures for the Coast of Africa during the last four months.

March 17	French brig	Havre	cleared for	San Pablo de Loando.
24	Portuguese brig	Constitucion	"	San Tomé.
27	Spanish "	Carmen	"	"
April 4	Brazilian "	Feliz Constancia	"	Lagos.
5	Portuguese brigantine	Felicidad	"	"
18	" schooner	Vigilante	"	San Tomé.
24	" brig	Maria Teresa	"	Lagos.
26	Spanish schooner	Victoria	"	San Tomé.

May	2	Spanish schooner	Ramoncito	"	San Tomé
	5	Portuguese "	Prova	"	"
	7	American "	Mary Hooper	"	Cape de Verds.
	8	Portuguese "	Maria Segunda	"	San Pablo de Loanda
	9	American brig	Eagle	"	San Tomé.
	15	Portuguese schooner	Triunfante	"	"
	23	"	Circe	"	Santiago de Praya,
	26	"	Maria	"	San Tomé.
	"	"	Dulcinea	"	Lagos.
June	2	" brig	Nuestra Señora del buen Viage	"	Cabo Verde.
	7	" schooner	Constancia	"	Santiago de Praya.
	8	"	Segunda Union	"	Isla del Principe.
	9	"	Constitucion	"	Loanda.
	16	" ship	Amalia	"	Madagascar.
	"	American schooner	Fame	"	San Pablo de Loanda.
	"	Portuguese "	Veloz	"	San Tomé.
	21	" brig	Matilde	"	"
	26	American schooner	Ontario	"	Isla del Principe.
	"	Spanish brig	Esperanza	"	"
	30	Portuguese "	Victoria	"	San Tomé.

No. 75.

Mr. Dalrymple to Viscount Palmerston.—(Received September 1.)

MY LORD,

Havana, July 21, 1838.

I HAVE the honour to acquaint your Lordship, that I arrived here on the 19th instant; and, immediately upon landing, obeyed your Lordship's instructions by waiting upon Mr. Kennedy, Her Majesty's Commissary Judge, to enquire for my commission; but was informed by that gentleman, that he had not received it. I am, therefore, prevented for the present taking the necessary oaths of office before the proper authorities.

I have, &c.

(Signed) CAMPBELL J. DALRYMPLE.

The Right Hon. Viscount Palmerston, G.C.B.

&c. &c. &c.

No. 76.

Her Majesty's Judge to Viscount Palmerston.—(Received September 27.)

MY LORD,

Havana, 10th August, 1838.

I HAVE the honour to acknowledge having received your Lordship's Despatches of the 21st May, communicating the approval by Her Majesty's law adviser of the judgment of the Mixed Court in the case of the "*Vigilante*," on the 19th January last, and the correspondence with the Government at Madrid as to Certificates and Bonds to be required at the Custom-house for vessels carrying casks to be used in the trade for palm oil: and those of the 24th May and 9th June; the first transmitting five copies of the series of papers relating to the Slave Trade, presented to the two Houses of Parliament by Her Majesty's command; and the second enclosing the resolution of the House of Commons of the 10th May last, on the subject of the foreign Slave Trade, together with Her Majesty's most gracious answer to the Address presented in conformity therewith.

I have, &c.

(Signed) J. KENNEDY.

The Right Hon. Viscount Palmerston, G.C.B.

&c. &c. &c.

No. 77.

Her Majesty's Judge to Viscount Palmerston.—(Received September 27.)

MY LORD,

Havana, 10th August, 1838.

OBSERVING, that your Lordship has thought it advisable, regularly to forward to Her Majesty's Commissioners at Sierra Leone the lists of departures of vessels

from this port for the Coast of Africa, as reported to your Lordship by Her Majesty's Commissioners at this place, I beg to submit to your Lordship the advisability of forwarding also to us the half yearly list of vessels brought before the Mixed Court at Sierra Leone for adjudication, as transmitted in obedience to the Act of Parliament, 5 Geo. IV., c. 113.

Having perused with much interest the several cases, as connected with this community, of vessels condemned at Sierra Leone during the last year, I consider the fullest and latest information respecting them will be especially desirable, in making out the lists, required to be sent to your Lordship with our yearly Reports in January next.

I have, &c.

(Signed)

J. KENNEDY.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

No. 78.

Her Majesty's Judge to Viscount Palmerston.—(Received September 27.)

MY LORD,

Havana, 10th August, 1838.

ON the 19th July, last the Hon. P. P. Carey, Commander of Her Majesty's sloop "Comus," having arrived here with Mr. Dalrymple, Her Majesty's Commissioner of arbitration, on board, signified to me that he had orders from the Lords Commissioners of the Admiralty, and also from the officer in command on the Jamaica station, to take such steps as might be advisable, to bring to an amicable conclusion the measures adopted by the Government of this island, prohibiting the black soldiers, serving on board the "Romney," from coming on shore.

On the 21st July, Mr. Dalrymple having become sufficiently disengaged to attend, we had a meeting on the subject, when I told Commander Carey, that having every desire to act in unison with all departments of the service for attaining the objects we all had in view, I had great pleasure in informing him of what had been done by Her Majesty's Commissioners, as stated in our Despatch to your Lordship of the 15th May last. After a perusal of the correspondence, Commander Carey expressed himself desirous of entering into further communications with His Excellency the Captain General, proposing we should join in another letter which he should deliver. This I declined to agree to, when he declared his intention of taking such a step with Her Majesty's Consul. To this I stated I should object also, adding that though of course I had no right to gainsay any steps he might take under the orders of the Admiralty, yet that M. Consul Tolmé, being an officer under the same department of the Government as Her Majesty's Commissioners, I should object to his joining in any act, which would be an infringement of the peculiar office of the Commissioners. Commander Carey then asked me to give him in writing a statement of my opinions on the subject, as a warrant to his superior officer, and the Lords of the Admiralty, for no further compliance with their orders in the matter than in having this conference. Considering this proposition but reasonable, I immediately gave him a written reply to his communications, of which I enclose your Lordship a copy.

Since then, I have received from your Lordship the series of Parliamentary Papers, containing a correspondence on the subject with the Government at Madrid, which I had not previously received; but feeling assured, that the question would not remain unattended to in your Lordship's hands, I was glad to find a confirmation of my views of the inadvisability of any further appeals, after those made by Her Majesty's Commissioners, under your Lordship's instructions, and those of Her Majesty's superintendent of liberated Africans, acting under instructions from the Colonial Office. I was glad also to learn, that the subject of relieving the soldiers at stated intervals, was taken into consideration, and suggested to Her Majesty's superintendent the propriety of recommending the removal of the "Romney" altogether, in the hope of allaying certain ill feeling, and of obtaining now from the new Captain General those accommodations, if required, on shore, the refusal of which by General Tacon, had rendered necessary the stationing of the hulk in this harbour.

I have, &c.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

(Signed) J. KENNEDY.

Enclosure in No. 78.

Mr. Kennedy to Commander Carey.

Sir,

Havana, 21st July, 1838

I HAVE the honour to acknowledge your communications of this day, detailing the orders you have received from the Lords' Commissioners of the Admiralty, and the officers in command on the Jamaica station, to take such steps as might be advisable for bringing to an amicable conclusion the measures adopted by the Government of this island, prohibiting the coming on shore of the black soldiers now on board Her Majesty's ship, "Romney."

Acting under the instructions of Her Majesty's Secretary of State for Foreign Affairs, I have lately had a correspondence on the subject with the present Captain-General, which I duly transmitted to Lord Palmerston, in my despatch of the 15th of May last. Of this despatch I beg to inclose you a copy, from which I think you will conclude that every means have been adopted in our power to bring the matter to a satisfactory arrangement, and that no hope of one can now be entertained, but from the intervention of the superior Governments, to whom it has been referred. I would, therefore, suggest to you the propriety of forwarding the copy of the despatch referred to, with one of this letter, to their Lordships, and, repeating my reservations of the peculiar responsibilities of the Commission to which I have the honour to be appointed, I beg also to repeat my anxiety to act in unison with all departments of the service for attaining the objects we all have in view.

I have, &c.

To the Honourable P. P. Carey,
Commanding H. M. S. "Comus."

(Signed)

J. KENNEDY.

No. 79.

Her Majesty's Judge to Viscount Palmerston.—(Received September 27.)

My Lord,

Havana, 17th August, 1838.

REFERRING to my Despatch of the 17th July, relative to the Spanish brig "*Esplorador*," which entered this harbour from Mozambique and Madagascar on the 30th June last, after landing her cargo of negroes a few days previously on the coast, I have now to submit to your Lordship the reply of the Captain General, stating the result of the inquiry he had instituted into the matter, and the subsequent correspondence in consequence between us.

From these your Lordship will perceive, that His Excellency has not been pleased this time, as in the case of the "*Principeno*" steam-boat, to forward to me a copy of the proceedings taken in the investigation, no doubt to guard against the contingency of similar detections of palpable fabrications; but contenting himself with simply stating the results, has manifestly submitted to a gross imposition, to say the least of it, on his judgment and discrimination. The story repeated of the voyage, that the vessel went for palm oil and came back in ballast, on account of not being able to procure any, is so extremely improbable, especially in conjunction with the twin case of the "*Irene*," that it is impossible to come to any other conclusion, than that His Excellency is prepared to lend the shelter of his authority to the traffic, as much as any of his predecessors. This presumption receives still further corroboration, from the language which he allows to be used by the department of Marine, and the Commander of the brig the "*General Laborde*." (See Enclosure No. 1.) This officer, after desiring the Commissioner to be informed, that he "knows full well what his duties are," goes on to give an exemplification of his assertion by stating, that though he "was tacking to and fro off the harbour all the morning, and saw several vessels both enter and depart, and among the rest the '*Esplorador*,' the vessel in question, he did not think it necessary to examine any of them, because he knew there were visiting barges in the port, by which they are all most scrupulously examined!"

In my answer to His Excellency the Captain General, I have pointed out this strange dereliction of duty, with such other comments as I thought necessary on the conduct of the officers to whom His Excellency had delegated the inquiry. I know not in what light your Lordship may consider the language I felt myself bound to adopt; but with every wish to conduct myself with all due respect to the different authorities of the place, I could not consent to lend myself to a system of deception, by doing which, though no doubt my course might be smoother, it could not be consistent either with honesty or sound policy. I consider, that there is no other hope of inducing the parties referred to, to give up their several fees and perquisites on the importation per head of negroes, and to shame them into an observance of the obligations of laws and treaties, than by forcing upon their attention, in language firm though respectful, the opinions entertained of their conduct by the British Government and nation. The more I see of this system of slavery, and the

traffic to perpetuate it, the more painful are my considerations on the amount of human misery and national demoralization they produce, and the more strongly therefore must I express my disinclination, to pretend to be the dupe of those who profit by them.

I have been induced to enter more largely into this explanation of my views, partly on account of the terms which His Excellency the Captain General has thought fit to apply to my expressions, as being "little decorous;" and partly on account of the intimation of his intention to complain to the Government at Madrid on the subject. This intimation has been carried out into a threat, in the language I have had repeated to me, as used by other officers of the Government; and I have it therefore only left for me to express a hope, that your Lordship will consider my letters to have been fully warranted by the circumstances under which they were written.

I stated in my concluding reply (Enclosure No. 4), that I should "be rejoiced to have the whole matter brought before the notice of the Government of Her Catholic, as well as of Her Britannic Majesty, trusting they were both equally animated with the same sincere desire to suppress, if possible, this iniquitous and demoralizing traffic;" and I should indeed have good reason to rejoice, if it might be the means of adopting some further or other means to reach and punish the offenders. But this cannot be hoped for, so long as only such delusive investigations as at present are instituted; combinations of fraud and connivance, of corruption and falsehood through all departments of the Government. The only remedy appears to me to be, to give the Mixed Court the power of calling before them parties suspected of being engaged in the illicit trade, to be subjected to the same course of examination, as is now pretended to be carried on by the administrative officers of the Government.

I have, &c.

(Signed)

J. KENNEDY.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 79.

(Translation.)

The Captain-General to Her Majesty's Judge.

SIR.

Havana, 24th July, 1838.

HAVING acquainted the Commandant-General of Marino with your communication of the 7th inst., respecting the arrival at this port, from the Coast of Africa, of the Spanish brig, "*Esplorador*," Captain Don Blas Mariano Gorde, that officer has transmitted to me the summary of the proceedings he caused to be entered upon, to ascertain if the said vessel had been employed in the prohibited trade in Bozal negroes; and it not resulting therefrom, that this vessel was engaged in the said illicit commerce. I send herewith a certified copy of the opinion of the law officer appointed for the purpose, as also of the official letter of the said Commandant-General, and of the reply of the Commander of Her Majesty's brig, "*Cubano*."

God preserve you many years.

*To H. B. M.'s Judge
in the Mixed Court of Justice.*

(Signed)

JOAQUIN DE ESPELETA.

Sub-Enclosure, A.

(Translation.)

Summary of Proceedings.

SIR,

Brig "General Laborde," Havana, 14th July, 1838.

I HAVE received your official letter of the 11th inst., in which you transcribe one from His Excellency the Captain-General, dated the 9th, wherein His Excellency refers to another of the 7th, from Her Britannic Majesty's Commissioner in the Mixed Court of Justice, relative to my not having examined a Spanish merchant brig, which he states to be the "*Esplorador*," on the 30th ult., off the entrance to the harbour. In reply to which I have to state as follows:—On the day in question I kept a short distance off the port awaiting your orders, and whilst tacking to and fro saw several merchant vessels enter and come out of port, none of which I visited, it being natural enough not to incommode those coming out by a fruitless detention, considering them to be properly cleared, and still less those that entered, knowing that there are in this port visiting barges by which they are all most scrupulously examined; therefore I am persuaded no blame can attach to me, and I know full well what my duties are, as I would request you to give the said Commissioner to understand. I beg to call your particular attention to the paragraph wherein he states that I was in company with the brig, which was not the case, as I was, at nearest, a mile to leeward of her, which was when she was entering the mouth of the harbour, and, consequently, it is plain I was not within hailing distance: moreover, I am much surprised at the said Commissioner venturing to state that it was sufficiently evident she was a slaver, when she had no signal to indicate it, or if reference be made to her length of hull, it should be remembered that most of the Spanish vessels built in Cataluña for the merchant service make a better appearance than the slavers, and are as fast sailors; of which I could cite an infinity of cases were it necessary: for which reasons I beg to point out to your notice, that among the various vessels in

...sight that day I saw a Spanish merchant brig, with the private signal of her consignees, enter the port, where I suppose she was visited by the officers of the Government, and embargoed, if found to be of the character described in the official letter of the Commissioner, who, I assure you, has considerably mortified me with his axioms, my conduct having always been approved by my superiors in command. This, Sir, is all I have to state in reply to your official note.

God preserve you many years.

(A true Copy.) (Signed) FRANCISCO DE IRIGOLLEN.
(A true Copy.) (Signed) ANTONIO M. DE LA TORRE Y CARDENAS.
To the Commandant-General of the Station.

Sub-Enclosure, B.

(Translation.)

Opinion of the Law Officers.

“ SENOR COMMANDANT OF REGISTERS OF THIS PROVINCE,

“ HER Britannic Majesty's Commissioner in this city denounces to His Excellency the Captain General of this island, in the terms as transcribed by His Excellency to the Commandant-General of this station, who, consequently, directs a summary investigation to be made, relative to the proceedings of the brig ‘*Esplorador*,’ after leaving this port for the Philippine Islands and Madagascar, from whence she returned on the 30th of last month. The said Commissioner details horrible deeds practised by the ‘*Esplorador*,’ and recommends their punishment, adding at the same time the expression, if they should be true, which is tantamount to hazarding proceedings upon what might result, and even without the support of the justification of the *corpus delicti*, whereby to regulate the investigation of the truth of the circumstances, and the application of condign punishment. In this state of the case the investigation was entered upon, according to the capacity of each of the crew, of whom 12 have deposed, and there does not appear the most remote indication of what is set forth by that Gentleman, for they state that having sailed hence with a cargo of legal merchandize to exchange for palm oil; they were unable to effect their object, and returned in ballast; which, being compared with her log-book, and the notes on the roll agree in the relation, so that nothing can be argued against it; for want of grounds, notwithstanding that the witnesses were examined distinctly and separately upon their solemn oath; and it is strange that amongst them the author of the denunciation should not have appeared, who would also have had to declare upon oath, otherwise his declaration is not to be considered valid. On the whole, I consider the accusation against the ‘*Esplorador*’ to be unfounded, and her Captain free from responsibility, saving your opinion, to which I defer.

“ Havana, 18th June, 1838.”

(Signed) “ JOAQUIN ZUAZO.

SENOR COMMANDANT-GENERAL,

It being proved by this summary that the brig “*Esplorador*” was not employed in the illicit trade in negroes, but that she conveyed lawful merchandize to those seas, and returned in ballast, I beg to submit proceedings to you, for your superior determination.

Havana, 18th July, 1838.

(Signed) EL CONDE DE LOS ANDES.

(A true Copy.)

(Signed)

ANTONIO M. DE LA TORRE Y CARDENAS.

Sub-Enclosure, C.

(Translation.)

Havana, 18th July, 1838.

MOST EXCELLENT SIR,

I BEG to inclose herewith to your Excellency the summary of the proceedings entered upon in investigation of the conduct of the Captain of the Spanish brig, “*Esplorador*,” D. Blas Mariano Gorde, on his voyage to the Asiatic Seas, and which vessel the British Commissioner of the Mixed Court of Justice acquainted your Excellency he was informed had been engaged in the illicit trade of negro slaves, which information is without foundation, as is proved by the said summary. I likewise enclose to your Excellency a copy of the official reply which I have received from the Commander of the brig “*Laborde*,” relative to the charge preferred against him by the said Commissioner, of his having held communication with the brig “*Esplorador*” at the entrance of the harbour; in which reply the said officer points out the incorrectness of the statement of the British Commissioner, inasmuch as he had no communication with the said vessel, and complains, as is natural, that his conduct and operations should be so atrociously criminated by the before-mentioned British Commissioner, to whom it does not pertain to judge of them, more especially as the complaint has been proved to be without foundation.

God preserve your Excellency many years.

(A true Copy.)

(Signed)

(Signed)

JUAN B. TOPETE.

ANTONIO M. DE LA TORRE Y CARDENAS.
To his Excellency the Captain-General of the Island.

Second Enclosure in No. 79.

(Copy)

Her Majesty's Judge to the Captain-General.

MOST EXCELLENT SIR,

Havana, 1st August, 1838.

I HAVE the honour to acknowledge having received your Excellency's official letter of the 24th July, communicating the answers of the General of Marine, of the Commandant of Registers, and of the Commander of the “*General Laborde*,” severally, relative to my allegations of the 7th and 12th July last, against the Spanish vessels, “*Esplorador*” and “*Irene*.”

As your Excellency has not been pleased to favour me, as formerly, with the summary of proceed-

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ings, to which reference is made in the answers of the General of Marine and Commandant of Registers, I cannot be expected to attach any value to them of my own consideration, but remembering the extraordinary self-contradictions, and palpable fabrications imposed upon your Excellency in the case of the steam-boat, "*Principeño*," which I had previously also denounced, and which I pointed out to your Excellency in my letter of the 7th June last, I must the more regret that your Excellency has not thought fit, in the present instance, to subject the proceedings to my scrutiny in like manner.

With regard to the complaint of the Commander of the "*Laborde*," who says, "he knows full well what his duties are," I must beg to express my surprise, that he should think it right to abstain from visiting suspicious vessels, on account of "there being in this port visiting barges, by which they are examined" on their entrance. If the British cruisers had been equally complaisant, I need not remind your Excellency how many a condemned slave-vessel would have escaped. Besides, in the case of the Spanish schooner, "*Matilde*," condemned by the Mixed Court in December last, I cannot forget that every attempt was made by an officer of the Spanish navy commanding a vessel of war, and also, by the Marine Department, to screen under a variety of false pretences, a notorious slaver that was shortly after captured, with 259 negroes on board.

As, however, His Excellency the General of Marine considers the crimination "atrocious," I rejoice that both he, and the Commander of the "*Laborde*," look with so much indignation on the offence, which I believed the latter to have committed. But he must acknowledge that he gave good reason for the charge, as, according to his own statement, he was tacking to and fro about the harbour all the morning, and did not think fit to examine any vessel, though he saw several enter and come out of the port, and among the rest, the "*Esplorador*," the vessel in question.

In submitting thus of necessity to the judgment which your Excellency has adopted of this investigation, I feel proud to assure your Excellency, that the Government of Her Britannic Majesty is fully determined not only to fulfil strictly the stipulations of the Treaties between the two countries, but also, if possible, utterly to suppress this murderous traffic. I do not despair, therefore, whatever obstacles may for the present be interposed, shortly to see the generous wishes of the British nation crowned with the happiest success.

I have, &c.
(Signed)

J. KENNEDY.

To His Excellency the Captain-General,
&c. &c. &c.

Third Enclosure in No. 79.

(Translation.)

The Captain-General to Her Majesty's Judge.

SIR,

Havana, 4th August, 1838.

I HAVE received your two communications of the 1st instant, respecting the Spanish vessels, "*Esplorador*" and "*Irene*," denounced by you as having been engaged in the illicit trade in slaves. I have informed myself of their contents, and in reply, must state to you that, since the time the Royal Order of the 2d January, 1826, was promulgated, it has always been the custom to communicate to Her Britannic Majesty's Commissioners the result of the proceedings adopted by the Marine Department, accompanied by the opinion of the law-officer, in the same manner as when reporting to Her Majesty, as I have already done in the cases of the aforesaid vessels.

The expressions, little decorous, which you have taken the liberty to use, with reference to this Superior Government and the National Marine, do not allow of my entering upon disagreeable explanations, and I shall therefore limit myself to merely giving an account thereof to Her Majesty the Queen Regent.

God preserve you many years,

(Signed)

JOAQUIM DE ESPELETA.

Her Britannic Majesty's Judge in the Mixed Court of Justice.
&c. &c. &c.

Fourth Enclosure in No. 79.

Her Majesty's Judge to the Captain-General.

MOST EXCELLENT SIR,

Havana, 4th August, 1838.

I HAVE had the honour to receive your Excellency's letter of this date, in reply to mine of the 1st instant, relative to the proceedings in the cases of the Spanish vessels, "*Esplorador*" and "*Irene*," lately arrived from the coast of Africa.

I regret that your Excellency should consider me to have taken the liberty of using expressions worthy of being characterized as "little decorous," and assure your Excellency that, whatever were the expressions, I used them (believing your Excellency to have been much deceived) only in the fulfilment of an imperative duty.

I shall rejoice, therefore, in having the whole proceedings and correspondence laid before the Government of Her Catholic, as well as of Her Britannic Majesty, trusting they are both equally animated with the same sincere desire to carry into effect the stipulations of solemn Treaties, and to suppress, if possible, this most iniquitous and demoralizing traffic.

I have, &c.
(Signed)

J. KENNEDY.

His Excellency the Captain-General,
&c. &c. &c.

No. 80.

Her Majesty's Judge to Viscount Palmerston.—(Received September 27.)

MY LORD,

Havana, 17th August, 1838.

IN enclosing to your Lordship the further proceedings and correspondence had in the case of the Spanish brig "*Irene*," which entered this port from Mozambique and Madagascar on the 8th July last, I will content myself with merely referring your Lordship to the Despatch of the 17th July, and the other of this date.

I regret extremely, that two such cases as these of the "*Esplorador*" and "*Irene*," should be so passed over in the commencement of his authority by the new Captain General; and can augur but unfavourably for the success of our endeavours to put down the traffic, when such manifest protection is extended to those engaged in it.

I have, &c.

(Signed)

J. KENNEDY.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

First Enclosure in No. 80.

(Translation.)

The Captain-General to His Majesty's Commissioners.

SIR,

Havana, 24th July, 1838.

HAVING acquainted the Commandant-General of Marine with your communication of the 12th instant, respecting the arrival in this port of another slave-vessel, the brig "*Irene*" from Madagascar, that officer has transmitted to me the summary of the proceedings he caused to be adopted, to ascertain if the said vessel has been engaged in the prohibited trade of Bozal negroes; and it not appearing therefrom, that this vessel has been so engaged in the illicit commerce, I send you herewith a certified copy of the opinion of the Law-officer named for the purpose.

God preserve you many years,

(Signed)

JOAQUIN DE ESPELETA.

Her Britannic Majesty's Judge in the Mixed Court of Justice.

&c.

&c.

&c.

Sub-Enclosure in No. 80.

(Translation.)

Opinion of the Law Officer.

SEÑOR COMMANDANT OF REGISTERS.—Eleven depositions of the like number of individuals of the crew of the brig "*Irene*," support the declaration of her Captain, Don José Anto de Ageo, in which he states, that having sailed from this port for the Philippine Islands and Madagascar, with ballast and money, she touched at the latter place in pursuit of her business, and then went to winter at Mozambique, where she joined the "*Esplorador*," and they both set sail at the same time, although for different places, the "*Irene*" touching at Madagascar, and returning in ballast to this port, in consequence of not shipping the cargo of palm-oil which had been offered to her: this is the unanimous relation of the whole, and it agreeing with the log-book which the Master presented, I am of opinion that no charge attaches to the said Captain, whilst the accusation brought against him presents no further proofs than at present exist. This is my opinion, which I submit to yours.

(Signed)

JOAQUIN ZUAZO.

Señor Commandant General.

Agreeing with the preceding opinion, I beg to submit it to you, together with the log-book, which contains the particulars of the voyage, for your superior resolution.

(Signed)

EL CONDE DE LOS ANDES.

Havana, 20th July, 1838.

(A true Copy.)

(Signed)

ANTO. M. DE LA TORRE Y CARDENAS.

Second Enclosure in No. 80.

Her Majesty's Judge to the Captain-General.

MOST EXCELLENT SIR,

Havana, 1st August, 1838.

I HAVE the honour to acknowledge having received your Excellency's official letter of the 24th July, communicating the result of the investigation which the Commandant of Registers states he has made into the circumstances of the voyage of the Spanish vessel "*Irene*," which I had denounced to your Excellency in my official letter of the 12th July.

As your Excellency has not been pleased, either in this case or in that of the "*Esplorador*," to give me copies of the proceedings, I must be content to submit to the judgment which your Excellency has adopted, though I feel assured your Excellency cannot but be persuaded of the great degree of suspicion attaching to parties engaged in such traffic, and giving such accounts of their transactions.

Referring your Excellency to my other letter of this date, I have the honour to be, &c.,

To His Excellency the Captain-General.

(Signed)

J. KENNEDY.

&c.

&c.

&c.

Her Majesty's Judge to Viscount Palmerston.—(Received September 27.)

MY LORD,

Havana, 22nd August, 1838.

ON the 13th day of July, His Excellency, the Conde de Fernandina, called a meeting of the Mixed Court of Justice, to consider the memorial of Don Jayme Taulina, the consignee of the Spanish schooner "*Vencedora*," praying an order for the payment of costs, as awarded by decree of the Court of the 10th April, 1838.

From this memorial it appeared, that Taulina having had the vessel consigned to him here, and having chartered it back, he, to avoid delay and greater loss, was obliged to pay the Master of the "*Vencedora*" the demands he had under the decree of the Court above-mentioned; and having received from the Master a Power of Attorney to receive the same, now came before the Court for assistance to procure it.

His Excellency, the Conde de Fernandina, agreeing with me that the powers of the Court had ceased when the sentence was pronounced, held that the British Government was to be applied to under the latter part of the Article Six of the regulations in the Treaty of 1835, which states—

"The two high contracting parties bind themselves to defray, within the term of a year from the date of the sentence, the indemnifications which may be granted by the above-named Commission, it being understood that the indemnifications shall be at the expense of the power of which the captor shall be a subject." And His Excellency therefore directed the said merchant, Don Jayme Taulina, to present a memorial to the British Government, and requested me to forward it, with the expression of his conviction, that your Lordship would give immediate effect to the sentence of the Court. In compliance with this request, I now beg humbly to call your Lordship's attention to the memorial transmitted herewith, prepared in conformity with the Act of Parliament 5 Geo. IV. c. 113, sec. 73, by which power is given to the Lords of the Treasury to make payments in such cases,

At the same time I have to submit to your Lordship the claim of the Registrar of the Court, Don Juan Francisco Cascales, 479 dollars 5 rials, for fees of office in attendance upon the trial of the case, as valued by the public appraiser. I ought, perhaps to observe, that this is according to the usual practice of payment, though having been deducted from the proceeds of sales of condemned vessels, the items may not have come under your Lordship's attention.

Should your Lordship think proper, in whole or in part, to accede to the petition of the merchant Taulina, and authorize Her Majesty's Commissioners to draw for the amount required, this further sum of 479 dollars 5 rials may perhaps be added to the account. As I have not held out any hopes whatever of your Lordship's consenting to pay the whole of what is stated in the decree, it will remain for your Lordship to decide, whether it be a fit case for the parties to be reimbursed more than what in due respect to the Court should be paid, considering that there is no doubt of the guilt of the parties, and considerable doubt of the justice of the sentence by which they were exonerated.

I cannot resist adding, that I trust these suggestions may meet with your Lordship's approval, not only to allay existing excitement, but also to relieve Commander Nixon from that responsibility, which would be so extremely discouraging to the service, if incurred in the zealous fulfilment of an unprofitable duty.

I have, &c.

(Signed)

J. KENNEDY.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

First Enclosure in No. 81.

To the Lords Commissioners of Her Britannic Majesty's Treasury.

The humble memorial of Jayme Taulina y Va, merchant of Havana, sheweth,

THAT in the month of October last the Spanish schooner "*Vencedora*," consigned to your petitioner from Cadiz, was brought into the Havana by Her Britannic Majesty's sloop "*Ringdove*," for having on board a number of negroes, when after a full trial of the case, the Court of Mixed Commission decreed a sentence of liberation with costs, as according to the treaties of the two countries, Spain and Great Britain.

That your petitioner had no share or interest whatever in the vessel, beyond having some goods and the vessel consigned to him, according to the practice of merchants.

That having the vessel so consigned after sentence of liberation, he was induced to charter the vessel

back again to Cadiz, not knowing that any difficulty would arise in the fulfilment of the sentence of the court. Shortly after, however, the master refused to sail until he was paid the costs awarded him, amounting to 1933 dollars and half a rial, with a recommendation from the court for the further sum of 972 dollars and 6½ rials, amounting in the whole to 2905 dollars and 7 rials.

That your petitioner, in order to avoid greater loss, which would have accrued, having already suffered much loss by the delay, was under the necessity of paying the said captain the sum of 2070 dollars and 7 rials, for the repayment of which your petitioner took the master's power of attorney.

That the petitioner having applied to Her Britannic Majesty's Commissioners respecting the payment, has been informed that he must apply to the commander of the detaining vessel, and in default of his paying the money, must apply to the Government of Her Britannic Majesty.

That your petitioner has no means of access to the said commander of the detaining vessel, not knowing when he may return here, and if he did return, being advised that no suit at law could affect him from the courts at this place, while he is assured it would be equally vain to have recourse to any courts in England.

That your petitioner, in looking into the treaty, sees it agreed to between the two governments, that in cases similar to his, the two high contracting parties bind themselves to defray, within the term of a year from the date of the sentence, the indemnifications which may be granted by the above-named Commission, it being understood that those indemnifications shall be at the expense of the power of which the captor shall be subject.

Your petitioner therefore prays that your Lordships, in accordance with these stipulations, will direct Her Britannic Majesty's Commissioners forthwith to pay him the said sum of 2905 dollars and 7 rials, according to the sentence which was decreed by the Court of Mixed Commission.

Havana, August 22nd, 1838.

JAYME TAULINA-Y-VA.

Second Enclosure in No. 81.

(Translation.)

ACCOUNT of the Fees of Office of the Secretary of the Mixed Commission and of his assistant, incurred in consequence of the proceedings on the capture of the Spanish polacra schooner "*Vencedora*" by the English brig of war "*Ringdove*," for having found Bozal negroes on board, which account I have made by virtue of the foregoing decree, viz. :—

To the Secretary of the Mixed Court, Don Juan Francisco Cascales, for his services	-	Drs.	rs.
To the Assistant in the said Secretary's office, Don Andres Cascales, for his services	-	319	6
	-	159	7
Total	-	479	5

Havana, July 7th, 1838.

(Signed)

JOSE MA. CISNEROS.

No. 82.

Her Majesty's Judge to Viscount Palmerston.—(Received September 27.)

(EXTRACT.)

Havana, 22nd August, 1838.

DURING the last month, I have good reason to believe, that the following were the only arrivals in this harbour from the Coast of Africa:—

July 7th, Portuguese schooner " <i>Tirsa</i> ,"	Espencer, Master, from Cape de Verdo.
" 8th, Spanish brig, " <i>Irene</i> "	Ageo, " from Madagascar.
" 19th, Portuguese "	" " " "

Of these, the "*Irene*" forms the subject of a separate despatch. Another vessel, the "*Rosalía*," under Portuguese colours, belonging to the French house of Forçade and Co., with 272 negroes on board, was taken the latter end of the month, off the island, by that active and meritorious officer, Commander Frazer of Her Majesty's sloop "*Sappho*," who, only three months before, also took the Portuguese brig, "*Camoens*," with 575 negroes.

Of the departures, I regret I am again unable to send your Lordship any account. I assure your Lordship I use every endeavour to procure the list, being desirous not only of adding it to the despatches, but also of giving it to the Commanders of the various Cruizers that come into the harbour, with such other information as may come to my knowledge. The departure of one vessel, however, I will notice, as mentioned in the Diaro of the 5th instant, to have cleared out from Trinidad in this Island for Cadiz, the Spanish brig, "*Emprendedor*," which I reported to your Lordship in my despatch, of the 17th of July last, to have arrived from the Gallinas. This vessel I find mentioned in the letter from Her Majesty's Consul at the Cape Verd Islands, (Parliamentary Papers for 1837, Class B, Further Series, page 36,) as having cleared out thence also for Cadiz, though her destination was well ascertained to be the Gallinas; and I have no doubt a similar deception is now here repeated.

The celebrated "*Socorro*," under her present name of "*Maria Segunda*," arrived here the 13th instant, as stated, "from Ferrol," where it is said she went to be repaired. Not having heard of her bringing a cargo, as no doubt it would have been exultingly announced, had she again made another successful voyage, the announcement may possibly be true. She sailed again yesterday under the Portuguese flag.

Another vessel of the like character arrived here the 4th instant, and is thus reported in the *Diario* of the 5th: "From Baltimore, in 24 days, the American ship, '*Venus*,' Captain Wallace, tons 460, with bricks, to Don José Mazorra, passengers 2." Of this vessel, there is the following notice in a Baltimore paper, the "*American*," of the 4th July:—"A noble corvette ship, the '*Venus*,' Captain Wallace, pierced for 18 guns, built in this city on foreign account, is also ready for sea. She is, we learn, the sharpest clipper built vessel ever constructed here, and, according to the opinion of nautical men, must outsail any thing that floats." The consignee's name, Mazorra, your Lordship will remember to have had reported several times, and it is said he is half owner of the "*Venus*." I have not learned, whether she is actually to sail with long-guns, but I have heard reports of two other vessels having been prepared during the last month, with 6 guns each; and that one was to sail equipped to cope with any cruizer on the coast.

The "*Venus*" is destined for Mozambique, and is arranged to bring as many, even as 1000 negroes, in which case it is said, she would clear to the speculators from 100,000 to 200,000 dollars in her first voyage, her cost price being, estimated at 50,000 dollars, and the expenses of cargo and slaves, &c., at another 50,000.

On the subject of vessels going equipped under the American flag to the Coast of Africa, there to be pretended to be transferred for the first time to some Portuguese or Spanish owner, I have had several conversations with the American Consul at this place, a gentleman of high character, as well as of considerable reading and observation. I regret, however, to say, that I have received only the most discouraging replies on every point relating to the prohibited traffic, and to add that this seems the general feeling here of the American community. They all seem to declare, that it would be a question not to be entered on of enquiring into their equipments, as interfering with their trade, not knowing how far such interferences might be led to extend; and that England may as well think of closing up the workshops at Birmingham, where they say the bolts and shackles are manufactured, as call on America to forbid the sailing of vessels equipped with them. In answer, I have not hesitated to express my disbelief of the shackles coming from Birmingham; and to declare my full conviction that at no port whatever in England, would they allow any such articles to be shipped, had they any idea of their being intended for the Traffic in Slaves.

I regret to have also to inform your Lordship, that during the suspension of the Portuguese Consul, as I have previously stated, the American Consul has been acting *pro tempore* in that character, thus unquestionably giving a certain degree of effect to the abuse of the flag of his Republic, under its association with the Slave Trade, and the pretended transfers to other owners on the Coast of Africa.

No. 83.

Her Majesty's Judge to Viscount Palmerston.—(Received September 27.)

M^R LORD,

Havana, 22nd August, 1838.

ON the 18th instant, more than two months after the letter had been sent, to which it purports to be a reply, I received the communication which I have herewith to submit to your Lordship, from His Excellency the Captain General, respecting the case of the "*Principeño*" steam-boat, which your Lordship may remember my having denounced for having brought a cargo of negroes into the harbour, as detailed in the despatch, of the 19th June last.

With that despatch, I forwarded to your Lordship my letter of the 11th June, to the Captain General, commenting on the glaring inconsistencies and falsehoods

contained in the evidence of the persons belonging to the "*Principeño*," as manifest upon the face of the proceedings they themselves forwarded to me. To that letter of the 11th June, I then received no reply, and was not surprised at it, considering how difficult it would be to explain away the proofs I pointed out of guilt, as deducible from their own examinations. Since then, the case of the "*Esplorador*" arose, when, warned, no doubt, by their former failure, the summary only of the proceedings was sent me, and the depositions kept back. My observations upon this are now before your Lordship, in my letter of the 1st instant, in the despatch of the 17th inst.; on the receipt of which, His Excellency the Captain General evidently seems to have felt the necessity of furnishing some sort of answer, and therefore called on his assessor for one accordingly. This is clear from the date of the assessor's opinion, as communicated in His Excellency's letter, and is the 11th instant, showing that the order to him was of recent date, as he could not have ventured to keep the matter by him for two months, had he been called upon at the time my letter of the 11th June was received.

In my reply to His Excellency, I have not thought it fit to enter into further dispute on the subject, only wishing it to be understood, that I remained unsatisfied with the explanation afforded. This explanation of the assessor is to the effect, that the complaint referred to two different days, the 26th and 27th April, the fact being that the vessel was engaged both of those days on the errand denounced; and to the truth of which one of the witnesses approached, when he said that the "*Principeño*" was engaged those days in bringing a vessel off the Colorados which had got on shore there. The other witness said, that on the first day the "*Principeño*" had gone to Matanzas, which is in the opposite direction to the Colorados, so that it was quite impossible for both testimonies to be true; and as to the pretence of the Captain of the "*Principeño*" not wishing it to be known that he had not gone that voyage, and so making a mistaken statement, it is enough to say that he, the Captain, does not appear to have made the slightest hesitation in acknowledging at the time, that he did not go that voyage, having been, as he then deposed, under arrest in some action at law.

As His Excellency evidently seems to have felt the force of the observations I made in answer to both the cases of the "*Principeño*" and the "*Esplorador*," I had the less hesitation in giving up all further controversy respecting them; convinced that no further benefit was to be expected, when such a determined and extensive combination seems to exist, through all departments of the Government, to screen persons engaged in or promoting such nefarious traffickings.

I have, &c.

(Signed) KENNEDY.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

First Enclosure in No. 83.

(Translation.)

The Captain-General to Her Majesty's Judge.

Sir,

Havana, 17th August, 1838.

Having referred to the First Assessor-General your official letter of the 7th of June last, relative to the doubts which occurred to you respecting the steam-boat "*Principeño*," he has advised me, under date of the 11th instant, as follows:—

"Most Excellent Sir,—The objection opposed with plausible zeal by the British Commissioners in their official letter of the 7th of June last, are, according to my conception, satisfied by the proceedings adopted in the commencement, and those subsequently entered upon. Don Ramon Ferrer doubtless gave very different replies on the two occasions of his examination before different tribunals, but the dates to which the questions referred were also different. The Judge of the Ward of Jesus Maria referred to the 26th of April, considering the lading of the negroes to have been on that day, and the investigation before the Marine Department referred to the 27th of the same month. This mistake is not very strange, if we observe that the Commissioners involuntarily fell into the same in their official letters of the 4th May and the 7th June; for in the first they state that the negroes were landed on the 27th April, and in the second they affirm that the landing was effected on the 26th. Ferrer, moreover, gives a very probable reason for the inexactness of his declaration. His leaving the port being prohibited, he sent in his stead his brother, Don Damian, who, he did not wish it to be known, had sailed without the competent authorisation, and thus declared as an actual witness what he only knew from his brother. He certainly deserves some correction for this offence, but this tribunal is not competent to decree it. For the rest there is not the slightest evidence of the landing of the negroes; there is not a single individual who witnessed it; and although the communications made by the Commissioners, according to our laws, are very worthy of your Excellency's attention, the tribunal should not prefer a charge against any particular individual, unless the offence be proved in the proceedings beyond

a doubt. Every person who could know of the arrival of the steamer at the Factory Wharf has been examined, and if the result of the investigation has not been equal to the hopes, under which it was directed to be made, nothing more can be expected from your Excellency; and it may even be inferred, that those who informed the Commissioners that slaves had been introduced at that place were not very exact, for it appears scarcely credible that not a single individual should have deposed to a fact which must have attracted the attention of many. Your Excellency may, therefore, be pleased to direct the proceedings to be filed until other evidence shall be presented, and that this determination be communicated to the Commissioners. This is my opinion."

And having conformed to this advice, I transcribe it for your information.

God preserve you many years,

To Her Britannic Majesty's Judge in the
Mixed Court of Justice.

(Signed)

JOAQUIM DE ESPELETA.

Second Enclosure in No. 83.

Her Majesty's Judge to the Captain-General.

MOST EXCELLENT SIR,

Havana, 20th August, 1838.

I HAVE had the honour to receive your Excellency's communication of the 17th instant, favouring me with the opinion of your Excellency's Assessor, to account for the glaring inconsistencies in the evidence of the persons belonging to the "*Principeño*" steam-boat, as pointed out in my official note to your Excellency of the 7th June last.

I shall not fail immediately to forward this communication to the Government of Her Britannic Majesty, who will, I am sure, feel highly gratified to observe your Excellency's anxiety to detect and punish persons guilty of so flagrant an infraction of the laws, [and defiance of your Excellency's authority, as I had found it my duty to denounce.

I have, &c.

To His Excellency the Captain-General,
&c. &c. &c.

(Signed)

J. KENNEDY.

No. 84.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, 29th September, 1838.

WITH reference to former correspondence on the subject of the black soldiers employed as marines on board the "*Romney*" hulk, I herewith transmit, for your information, the copy of a Despatch which I have received from Her Majesty's Chargé d'Affaires at Madrid.

From the note of the Spanish Minister, enclosed in this Despatch, you will learn, that the Spanish Government has offered to relax the regulations in force against the landing office people of colour of Cuba, so far as respects these men; but this will be done under certain precautions, which are alluded to in the note in question.

Her Majesty's Government have thought it right to accept this offer; and I have therefore to instruct you to put yourselves in communication with the Captain-General of Cuba, in order that the necessary arrangements may be made, with as little delay as possible, for the occasional landing of detachments of the black marines of the "*Romney*," at the place, and on the days, which that officer may appoint.

It is probable that, in course of time, and when experience has shown that no evil has resulted from the occasional landing of these men, the most inconvenient parts of this arrangement may be relaxed.

I am, &c.

Her Majesty's Commissioners,
&c. &c.

(Signed)

PALMERSTON.

Enclosure in No. 84.

Lord William Harvey to Viscount Palmerston, Madrid, September 1, 1838.
(See Class B. No. 50.)

No. 85.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, October 6th, 1838.

IN perusing your Despatches on the subject of the Spanish vessels "*Vencedora*" and "*Vigilante*," detained under a charge of Slave Trade, my attention has

been drawn to the reference, which you make therein to an instruction of mine, dated the 15th October, 1836, to His Majesty's Commissioners at Sierra Leone.

The passage which you quote from that instruction is as follows :—

"The Treaty of the 28th June, 1835, neither annuls nor supersedes the Treaty of the 23rd September, 1817; but, on the contrary, it extends the power given by the latter instrument to suppress the Slave Trade.

The construction which you seem to place upon that passage is different from that which I intended it to bear, because you have grounded on it a confirmation, not of those stipulations of the Treaty which were meant to suppress the trade in slaves, but of those clauses which formed an exception to the general principle, and allowed, under special and temporary circumstances, the transport of slaves even for the purposes of traffic.

The treaty of 1817, after stating the cases which formed an exception to the general principle of seizure and condemnation of vessels having slaves on board, states, that in respect to those vessels which should come under the exception, the vessels detained for Slave Trade in Africa, where the traffic continued to be lawful, must, in order to be free from condemnation, be provided with a "Royal Passport," as described in the Treaty; and the vessels conveying slaves from one Spanish port to another must, for the like purpose, be provided with a passport, *ad hoc*, from the "local Government."

It appears from the cases of the "*Vencedora*" and "*Vigilante*," that you contend for the continuance up to this day of the power given by the Treaty of 1817, to exempt from condemnation vessels furnished with passports according to its stipulations, although such vessels may now be detained with a cargo of slaves on board.

It is necessary, therefore, to remark to you, that the Treaty of 1835 does not contain the limited permission for the transport of slaves, either from Africa to Spain, or from one port of the Spanish possessions to another; and that it states in direct terms, on the other hand, that not only in Africa, but "in all parts of the world, the Slave Trade is, on the part of Spain, to be henceforward totally and finally abolished."

Whenever the exceptions expressed in the Treaty of 1817 are, as in the instance quoted of the passports, omitted in the Treaty of 1835, those exceptions are virtually and necessarily set aside by the latter Treaty: and the extended powers given by the Treaty of 1835 are to be put into full effect against the tenour of those exceptions, for the purpose of suppressing the Slave Trade of Spain, in any place, and in any shape whatsoever.

I have to desire that you will bear in mind these facts, in your future arguments and decisions under the commission which you hold, and under which only you are acting, for carrying into full effect the Treaty of 1835.

I am, &c.

Her Majesty's Commissioners,
&c. &c. &c.

(Signed)

PALMERSTON.

No. 86.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, 8th October, 1838.

IN compliance with the suggestion contained in Mr. Kennedy's Despatch of the 10th August last, I herewith send, for your information, a copy of the list of vessels brought before the Mixed British and Portuguese Court at Sierra Leone, during the half-year ending the 30th June, 1838.

No vessels were brought before the other Mixed Courts resident at Sierra Leone during the period above-mentioned.

I am, &c.

Her Majesty's Commissioners,
&c. &c. &c.

(Signed)

PALMERSTON.

Enclosure in No. 86.

List enclosed in the Despatch from Her Majesty's Commissioners at Sierra Leone to Mr. Backhouse, June 30, 1838. (See No. 35.)

No. 87.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, 15th October, 1838.

I HAVE received your Despatches up to that of the 22d of August last inclusive.

I regret to perceive, from the correspondence enclosed in your Despatch of the 17th August last, relative to the alleged importation of slaves by the Spanish brig "*Esplorador*," that another case has occurred, in which the representations of Her Majesty's Commissioners have failed to produce any satisfactory result, and that General Espeleta seems inclined to follow the example of his predecessors in the Government of Cuba, in respect to the non-execution of the Treaty for the Suppression of the Slave Trade.

Your Despatches upon the subject of the recent importation of slaves in the "*Esplorador*," "*Eliza*," and "*Irene*," have been communicated to the Spanish Government. That Government has promised to call upon the Captain-General of Cuba for an immediate and detailed report upon these cases; and you shall be duly informed of the result of this inquiry.

With respect more particularly to the letters addressed by Mr. Kennedy to General Espeleta upon the subject of the "*Esplorador*," I have to inform you, that I fully approve of the animadversions therein contained, both upon the conduct of the Commander of Her Catholic Majesty's ship "*General Laborde*," in not examining the "*Esplorador*" when he met with her on her arrival off the Havana; and upon the conduct of the officers to whom His Excellency delegated the inquiry into the case of that vessel; the expressions contained in those letters being, in my opinion, fully warranted by the circumstances to which they were applied.

I am, &c.

Her Majesty's Commissioners,
&c. &c.

(Signed) PALMERSTON.

No. 88.

Her Majesty's Commissioners to Viscount Palmerston.—(Received October 18.)

MY LORD,

Havana, September 10th, 1838.

WE have the honour to acknowledge having received your Lordship's Despatches, dated the 25th June and the 6th July last, communicating the instructions which your Lordship had suggested to the Government at Madrid to be given, on the part of Her Catholic Majesty, to the Spanish Commissioners at this place, for their guidance in the interpretation of the 10th Article of the Treaty of the 28th June, 1835.

In expressing our satisfaction to learn, that the Government of Her Catholic Majesty have adopted your Lordship's suggestions in this particular, we beg leave respectfully to add our opinion, that we consider them well calculated to guard against the evil, which might otherwise be apprehended from the precedent created by the decision of the Spanish Commissioners in the case of the "*General Laborde*."

We have, &c.

(Signed)

J. KENNEDY.

CAMPBELL J. DALRYMPLE.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

No. 89.

Her Majesty's Commissioners to Viscount Palmerston.—(Received October 18.)

MY LORD,

Havana, 13th September, 1838.

DURING the last month the following vessels engaged in the Slave Trade arrived in this harbour:

August 9	Portuguese schooner,	Victoria*	Proenza, master.
12	" brig,	Triunfo de Loanda†	Bandura, "
13	" ship,	Maria Segunda	Begada, "
22	" brig,		
26	" "	General Espartero	Barreiro, "

Of these we have only heard particulars respecting one, the "*General Espartero*," which sailed from this place in November last, under the name of the "*Vigilante*," having been formerly taken and condemned at Sierra Leone, and bought again for the trade at the sale under the decree of the Court. The "*General Espartero*" has made, it is said, a remarkably successful voyage, having brought 502 negroes, without the loss of one on the passage; so that the owner, the Frenchman Forcade, who had not effected an insurance upon the vessel, it is said has cleared by the speculation upwards of 70,000 dollars.

We congratulate ourselves also on having been able to procure the clearances from this harbour of vessels to the Coast of Africa, during the two months of July and August, as per list enclosed. Among them your Lordship will perceive there were no fewer than seven sailed under the American flag; thus giving much reason to fear, that all your Lordship's efforts to suppress the traffic under the covert of the Portuguese flag will be unavailing, when the traders can so easily procure the protection of the American.

As an evidence of the arts of the slave-dealers, your Lordship will perceive that the "*Socorro*," under her present name of the "*Maria Segunda*," cleared out on the 18th ultimo, ostensibly for Goa, though in reality for Mozambique, and the command has been resumed by her old captain, Muzard, who some time since had to boast of having beat off the British cruiser "*Leveret*." He had amassed a sufficient competency to purchase a share in a mercantile house of considerable dealings in this place, but the love of the enterprize, as much as the sake of the gain, seems to have taken him off again to his old pursuits.

The "*Venus*" has cleared out for Bahia; and according to the articles of agreement is there to have the purchase effected, when she will also sail under the Portuguese flag to the coast of Mozambique.

We have, &c.

(Signed) J. KENNEDY.

CAMPBELL J. DALRYMPLE.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 89.

List of Vessels which have sailed from Havana for the Coast of Africa, during the Months of July and August.

July 5	Portuguese brig	Dos Amigos	sailed for Lagos
10	" schooner	Ligera	Isla del Principe.
12	" "	Josefita	San Tomé.
13	" "	Eliza	Isla del Principe.
17	" "	Elisa	Santiago de Praya.
18	American "	Traveller	Islas del Principe.
23	" "	John Holland	San Tomé.
Aug. 6	Portuguese brig	Matilda	Cabo Lopez.
7	" schooner	Sirce	Cabo Verde.
13	" "	Victoria	San Tomé.
14	" brig	Maximo	Isla Oriental.
18	" ship	Maria Segunda	Goa.
"	American schooner	Dolphin	San Tomé.
22	" brig	Plant	Cabo Verde.
23	" "	Venus	Bahia de todos los Santos.

No. 90.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, November 17th, 1838.

IN answer to the Despatch from Her Majesty's Judge of the 10th August, 1838, I have to acquaint you, that the reasons therein stated for recommending the

* Landed her cargo at or near Matanzas.

† Landed her cargo at or near St. Jago de Cuba.

removal of the "Romney" hulk, do not appear to me sufficient to justify the adoption of the step recommended.

Her Majesty's Commissioners,
&c. &c. &c.

I am, &c.
(Signed) PALMERSTON.

No. 91.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, 19th November, 1838.

WITH reference to previous correspondence upon the subject of the black soldiers, employed as marines on board the "Romney" hulk at the Havana, I herewith transmit to you the accompanying copy of a Despatch from Her Majesty's Minister at Madrid, enclosing the copy of a note, which he had addressed to the Spanish Minister upon this subject.

Her Majesty's Commissioners,
&c. &c. &c.

I am, &c.
(Signed) PALMERSTON.

Enclosure in No. 91.

Sir George Villiers to Viscount Palmerston, Madrid, October 20, 1838.

(See Class B. No. 65.)

No. 92.

Her Majesty's Commissioners to Viscount Palmerston.—(Received December 4.)

MY LORD,

Havana, 25th October, 1838.

WE have the honour to acknowledge having received your Lordship's Despatch, dated the 17th July last, with Her Majesty's commission of appointment to Mr. Dalrymple, as Commissioner of Arbitration on the part of Great Britain, in the Mixed British and Spanish Court of Justice at this place. Having communicated the receipt of the commission to the Captain-General of the island, for the purpose of enabling Mr. Dalrymple to attend and take the oath before him, as required by the Act of Parliament, 6 William IV. c. 6, His Excellency was pleased to appoint Monday the 8th instant, when Mr. Dalrymple accordingly attended, and was duly sworn to the execution of the duties of his office.

We have, &c.

(Signed) J. KENNEDY.
CAMPBELL J. DALRYMPLE.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 93.

Her Majesty's Commissioners to Viscount Palmerston.—(Received December 4.)

(EXTRACT.)

Havana, 25th October, 1838.

WE herewith enclose to your Lordship a list of vessels which sailed from this harbour, and another of those also which arrived during the last month, suspected of being engaged in the Slave Trade.

The last vessels arrived from the Coast of Africa report, that the British cruisers there are taking all vessels under Portuguese colours, whose papers do not prove them to have been duly authorized to carry that flag by the competent authorities in Portugal, thus striking a blow at those which have been procured in the Cape Verd Islands, or other places out of Europe. The report may, however, be only a device of the dealers, to enhance the price of slaves, of whom we regret to state that more than 2000 have been brought here already this present month, from six vessels of which we have received information. Such a rumour would no doubt prove useful to counteract another, which was lowering the price of slaves, namely, that there had been

a severe drought and famine in the interior of Africa, in consequence of which there was a great supply of slaves on the coast, waiting for vessels to purchase and take them. Thus we understand, that the "*Montanhesa*," named in the list as the "*Montaña*," has only been four months out of port, and returned with a full cargo of slaves.

We think it right to observe, that in August last a French vessel, the "*Claudine*," cleared out from this harbour for Goree, which we did not insert in our list, as upon enquiry of the consignors, the English house of Drake and Co., we received satisfactory assurance that she was not engaged, directly or indirectly, in the illicit traffic.

P.S. Since writing the above, we learn that the sale of the "*Christina*" was for the purpose of ascertaining the amount of damage on account of the underwriters, and the vessel has since been repaired at a cost of 1700 dollars, and has cleared out again.

J. K.
C. J. D.

Enclosure in No. 93.

List of Vessels despatched from the Port of Havana in the month of September, 1838, suspected of being engaged in the Slave Trade.

Sept. 18	American brig	Comet	to the Cape de Verdes.
24	Portuguese "	Veterano	to San Tomé.
29	" "	Triunfo	to Loanda.
"	" schooner	Victoria	to Rio Pongo.

List of Vessels arrived in the Port of Havana in the Month of September, 1838, after having landed Slaves, as it is said, on the adjacent Coast.

Sept. 14	Portuguese brig	Vigilante	. . .	Sonza, after landing, it is said, 500 slaves.
16	"	Gabriel	. . .	Giraud, " " 340 "
"	" schooner	Ala	. . .	" " 200 "
18	Spanish	Lalomé	. . .	Foz " " 203 "
19	Portuguese	Lavandeira	. . .	San Martin.
23	" brig	Palmella	. . .	"
25	" schr.	{ Montaña (a) Montanhesa }	Griana	" " 213 "

No. 94.

Her Majesty's Commissioners to Viscount Palmerston.—
(Received January 10, 1839.)

MY LORD,

Havana, November 23rd, 1838.

WE have received the enclosed list (No. 1.) of vessels that sailed from this harbour, during the last month, for the Coast of Africa.

We have also received a list of vessels engaged in the Slave Trade that arrived here in the same month, enclosed (No. 2) with our remarks. These comprise the substance of what had reached us from our former sources of information, still remaining available, and which therefore it would be a neglect of duty not to submit to your Lordship's attention. Your Lordship will observe some difficulty to exist in identifying the several vessels under their different names, but as the official monthly publication of vessels announces only six Portuguese to have entered the harbour, during the month of October, we may conclude, as all the accounts give the same number, that we have satisfactorily traced those names in the list enclosed, through the discrepancies that appeared between it and that which we had prepared.

In addition to the five vessels, which cleared out from this place as above stated, for the Coast of Africa direct, there have been two published in the "*Diario*," despatched ostensibly, one for Malaga, and the other to Barcelona, under Spanish colours, but which we have reason to believe are intended for the Slave Trade. We understand also that there will be great probability in future of slave-vessels returning, at least here, more under the Spanish flag, as

the Portuguese schooner "*Cerca*," which arrived in this harbour on the 14th instant, after first landing a cargo at Matanzas, brings a confirmation of the report referred to in our despatch of the 25th October last, respecting the seizure by British cruisers of Portuguese vessels, merely for alleged informality in their papers. The "*Cerca*," we are informed, has further brought the crews of two vessels which had thus been actually taken, though they had not on board any slaves at the time.

We have, &c.

(Signed)

J. KENNEDY.

CAMPBELL J. DALRYMPLE

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

First Enclosure in No. 94.

List of Vessels despatched from the Port of Havana in the Month of October, 1838, suspected of being engaged in the Slave Trade.

9th. American schooner,	Florida,	for the Cape de Verds.
11th. " "	Hazard,	for San Tomé.
13th. Portuguese brig,	Vigilante,	for San Pablo de Loanda.
23rd. " schooner,	Sin Igual,	for San Tomé.
27th. " "	Amalia,	for Bonny.

The Portuguese brig, "*Triunfo*," which was despatched in September, and put back in distress on the 30th September, sailed again in the month of October.

Second Enclosure in No. 94

List of Vessels arrived in the Port of Havana in the Month of October, 1838, after having landed slaves, as it is said, on the adjacent Coast.

(1) Portuguese schooner,	Provisional	after landing, it is said, 240 slaves.
(2) " "	Constancia	" " 213 "
(3) Portuguese brig,	Teresa	after landing, it is said, 360 slaves.
(4) " schooner,	Amalia	" " 200 "
(5) " "	Nôstra Señora del Buen Viage,	" " 213 "
(6) " brig,	Volador	" " 269 "

Commissioners' Remarks.

(1) This is the well-known vessel formerly the "*Tres Manuelas*," and afterwards the "*Sin Igual*," Pereira, master, from Para, which arrived here on the 5th October, and sailed again on the 23rd, (See Enclosure, No. 1.)

(2) Master's name Rodriguez; entered from Santiago de Praya; arrived the 4th October.

(3) The same as the "*Maria Teresa*," Lampayo, master, which arrived here the 4th October, from Lagos.

(4) Arrived here the 9th October, from Isla del Principe, having landed her cargo at Trinidad de Cuba, master's name, Aloes; sailed again the 27th.

(5) Arrived the 7th October from Cape de Verds, master's name, Villar.

(6) Arrived here as the "*Escorpion*," the 5th October, after landing her cargo at or near Santiago de Cuba; Master's name, Carlo. The name of the vessel was changed when put under the Portuguese flag.

No. 95.

Her Majesty's Commissioners to Viscount Palmerston.—

(Received January 10, 1839.)

MY LORD,

Havana, 1st December, 1838.

WE have the honour to acknowledge having received from your Lordship the following Despatches.

One, dated the 29th September, communicating to us the conditions, upon which the Spanish Government had consented to allow the coming on shore of the Black soldiers, serving on board Her Majesty's ship "*Romney*."

One, dated the 6th October, explaining the relation which the treaty of the 28th June, 1835, bears to that of the 23rd September 1817.

One, dated the 8th October last, return of slave vessels condemned at Sierra Leone between the 1st January and the 30th June, 1838; and one, dated also the 15th October last, approving of the correspondence between Her Majesty's Commissary Judge and the Captain General of Cuba, relative to the cases of

the Spanish vessels "*Esplorador*," and "*Irene*," as detailed in the Despatch from Her Majesty's Commissioners at this place of the 17th of August.

We shall have great satisfaction in carrying into immediate effect your Lordship's instructions, to enter into a correspondence with the Captain General, for the relaxation of the order prohibiting the landing of the Black soldiers; and with reference to each of the Despatches, we beg to express our grateful acknowledgments for your Lordship's prompt attention to our suggestions, and favourable construction of our proceedings.

With regard to your Lordship's Despatch of the 6th of October, we shall not fail to bear in mind your Lordship's directions, in all cases arising similar to those of the "*Vencedora*," and "*Vigilante*," and in exemplification of our views would beg to point out to your Lordship's attention the concluding portion of the letter of Her Majesty's Commissary Judge, printed in the papers relating to the Slave Trade for 1837, Class A. Further Series, page 49, in these words: "Every reasonable construction that can be given to the subject appears to us to show, that the first Treaty is in as full force as the second, except where expressly altered, and that the second was only intended to strengthen the first." Thus then in respect to the two passports provided for by the first Treaty, the one which allowed a limited traffic in slaves by "Royal Licence," was of course understood to be annulled by the provisions of the treaty of 1835, which declared that "in all parts of the world the Slave Trade is, on the part of Spain, henceforward totally and finally abolished." But there being no contradictory provision to the other passport required to be granted, "*ad hoc*, for the conveyance of slaves from one Port in the Spanish possessions to another, from the Government on the spot," we should have been anxious to obtain its strict fulfilment, as a means of guarding against fraud, in any real or pretended transfers of slaves from different parts of the island, or Spanish possessions elsewhere.

We have, &c.

(Signed)

J. KENNEDY.

CAMPBELL J. DALRYMPLE.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

RIO DE JANEIRO.

No. 96.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, 24th May, 1838.

I HEREWITH transmit, for your information, five copies of two series of papers, relating to the Slave Trade which have been presented to the two Houses of Parliament during the present session, by Her Majesty's command.

I am, &c.

(Signed) PALMERSTON.

*Her Majesty's Commissioners,
&c. &c. &c.*

No. 97.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, 9th June, 1838.

I HEREWITH transmit to you the copy of a resolution, which was voted unanimously by the House of Commons on the 10th May, 1838, for an address to Her Majesty upon Slave Trade, and a copy of the answer which, on the 23rd of the same month, Her Majesty was pleased to return to that address.

You will see from these papers the unceasing and anxious desire of the Parliament and Government of this country for the extinction of the traffic in slaves.

I am, &c.

(Signed) PALMERSTON.

*Her Majesty's Commissioners,
&c. &c. &c.*

No. 98.

Her Majesty's Commissioners to Viscount Palmerston,—(Received June 21.)

MY LORD,

Rio de Janeiro, 9th April, 1838.

WE have not considered it necessary, especially in the present state of the Slave Trade question in this country, to trouble your Lordship with noticing, as they have occurred, the almost daily arrival of vessels under the Portuguese Flag from the Coast of Africa; but we think it right to put your Lordship in possession of the enclosed return, by which it appears that not fewer than 16 have entered this port alone, professedly in ballast, within the last three months, the tonnage of the same amounting to 3481 tons, which, allowing on an average three souls to each, gives a total of between 10,000 and 11,000. To this number, many more, landed from vessels which do not enter Rio de Janeiro, and of which continual notice appears in the public papers, must be added.

The process is uniformly the same. In the one case the vessels are placed at the disposition of a Justice of the Peace, and as regularly released; in the other, orders are issued to investigate the reported landing, and an official answer returned, that it does not appear that any such has taken place. If, by chance, the proofs should be so strong as to force the authorities to take cog-

nizance of them, every thing that bribery and chicanery can effect, is resorted to to avert the consequences.

In truth, no better description of the actual state of things can be given, than in the words of the late Minister of Justice. "The law of the 7th November is a complete nullity; the object of putting a stop to the traffic has not been attained, nor have the Government any hopes that it will be. The speculators in it rely on a total impunity the moment the landing is effected. Many of the local authorities protect the disembarkation of the slaves, and their passage from one point to another. In several places this is going on in the face of open day, and at any hour, without concealment. Woe to the magistrate who should attempt to interfere! He becomes an object of hatred, his life is in danger, and some have been assassinated. No captures are made at sea, for the promised reward is no longer paid to the captors. In a word, all conspire in favour of the traffic, and against the law to repress it."

The reference to their navy will be best illustrated by the occurrence, which your Lordship will see noted in the inclosed paper, in the case of the "*Doze da Outubro*," where, though the vessel was boarded, no capture was made; and by the fact, that, in one or two instances, where officers have shown some zeal in the suppression of the traffic, they have, under one pretext or another, invariably lost their command, whilst others who have been detected in it have been, nevertheless, countenanced and employed. The withholding the promised reward is upon the pretence, that it was to come out of the proceeds of the vessel; and, as no condemnation can be obtained from the Juries, there is, of course, no fund for the purpose.

Such, my Lord, is the Report which it is our painful duty to make. If since this language was held, any alteration has taken place, it has been only for the worse, arising, no doubt, from the avowed sentiments of the majority, at least, of the present Cabinet, and the influence which such knowledge can hardly fail to have on the question. Accordingly we find, that in the last three months, 27 vessels under the Portuguese flag have sailed for the Coast of Africa; the tonnage of which exceeds 4000, so that the number of the slaves, which on the preceding calculation, may be shortly expected from thence, will be greater even than in the earlier part of the year; nor do we see any remedy for this, but in the excess of the evil itself, and in the decision and energy of Her Majesty's Government.

We have, &c.

(Signed)

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

GEORGE JACKSON.
FREDERICK GRIGG.

Enclosure in No. 98.

Arrivals of Vessels, under the Portuguese Flag, in Ballast, at Rio de Janeiro, from Africa, in January, February, and March, 1838.

Date.	Name.	Tonnage.	Where from.	Remarks.
1838.				
Jan. 2	Dous Amigos	210	Quilimane	Boarded at sea by a Brazilian man-of-war, who took out the Master and papers.
4	Jupiter	190	Angola	
5	Generoso Feliz	200	Quilimane	
9	Doze de Outubro	190	Angola	
10	Innocento	103	"	
17	Fortuna d'Africa	200	Moçambique	
25	Pompeio	180	Angola	
Feb. 2	Leao	300	Benguela	
14	Maria Carlota	288	Angola	
"	Principe Augusto	140	do.	
20	Carolina	300	Quilimane	
March 1	Aventureiro	250	Angola	
3	Adamastor	200	Quilimane	
16	Resolução	340	Moçambique	
18	Jehovah	250	Angola	
30	General Cabrera	140	"	
Total .	16 vessels.	3491		These vessels, after being detained by the police, were all liberated.

CLASS A.

T

No. 99.

Her Majesty's Commissioners to Viscount Palmerston.—(Received July 2.)

MY LORD,

Rio de Janeiro, 16th May, 1838.

WE have the honour to enclose herewith, translated extracts of the only passages of the Reports made this year, by the Ministers for Foreign Affairs and of Justice, to the General Legislative Assembly, which bear on our immediate functions.

The statement of both these Ministers, on the subject of the Slave Trade, is equally vague and unsatisfactory; nor does either appear to call for any particular notice from us, unless it be the assertion, in the former of these papers, that the traffic is not prohibited to the Portuguese nation, except in the ports to the north of the Equator, and the idea still held out, in the second, of treating with the "African Authorities," for an Asylum for such Negroes, as have been imported since the laws of the 7th of November 1831.

The apparent inaccuracy, on the first of these points, is calculated to do much mischief, and can only be explained by supposing His Excellency to be referring solely to the treaty-engagements. The inconsistency on the other is more extraordinary, considering the very general expectation, that the law thus cited by the Minister of Justice is on the eve of being repealed.

It is remarkable, that the subject of the ratification of the different articles signed by Mr. Fox, in July 1835, is only incidentally mentioned, in speaking of an overture from France, to enter into negotiation with this government in the question of the Slave Trade.

The assent of the chambers to these articles is not even asked for, much less insisted on; and the subject is closed by an observation, that "all measures, which do not go to the preventing the exportation of Africans from the dominions of the Crown of Portugal will be not only nugatory, but prejudicial and dangerous, in consequence of the immorality resulting from an unavoidable contraband."

We have, &c.

(Signed)

GEORGE JACKSON.
FREDERICK GRIGG.*The Right Hon. Viscount Palmerston, G.C.B.*

&c.

&c.

&c.

First Enclosure in No. 99.

(Translation.)

Extract from a Report of Minister for Foreign Affairs.

Mixed Brazilian and English Commission.

THE Mixed Brazilian and English Commission, established in this capital, in conformity with the Additional Convention of the 28th July, 1817, referred to in that of the 23rd November, 1826, would not have had before it, during the present year, any case of contravention of the Treaties concluded between Brazil and Great Britain for the abolition of the traffic, were it not for the very recent occurrence of the capture of the schooner "*Flor de Loanda*," and of the patacho "*Cesar*," by the corvette "*Rover*;" the proceedings and judgment upon which are submitted to the same Commission.

Notwithstanding, however, so extraordinary a circumstance, it would be an error to believe that the introduction of slaves into the territory of Brazil has ceased, or even diminished, inasmuch as there are facts of public notoriety, which fully evidence the continuation of transactions as immoral as they are punishable.

The Government, feeling all the horror which the barbarous commerce in human flesh excites, impressed with the weight of a subject so intimately connected with the most vital interests of the Empire, and conscious, moreover, of the fatal effects of the flagrant violation of the laws, very much deplores the inefficiency of its endeavours to repress such shameless speculations; for, as observation demonstrates, that all, or almost all, the ships employed in such transactions belong to the Portuguese nation, to whose subjects the traffic is not prohibited, except in the ports to the North of the Equator, as is stipulated in the Treaty of the 22nd of January, 1815, and the Additional Convention of the 28th July, 1817, the system of capture, in other respects so fit for repressing contraband, is rendered useless, and without effect.

The Imperial Government, knowing the true cause of the evil, and ardently desiring to put a stop to the torrent of frauds and abuses, which all deplore, has not neglected to call the attention of the Cabinet of Her Most Faithful Majesty to this important subject; and, although no arrangement has yet been concluded between the two Crowns, yet it is to be hoped, that the negotiations begun on this subject will be brought to a due conclusion as soon as circumstances may permit.

Emigration of European Colonists.

As it is not to be presumed, considering certain prejudices, that the best combined treaties, and the most severe laws, will produce the desired effect of repressing the contraband of Africans, so long as the want of free labour for our rural industry, and as a substitute for the Africans destined for the

estates, shall be felt in the Empire, the Government has not ceased to shew the greatest favour and protection to the emigration of useful and orderly European colonists, thus doing all which its limited means would permit to augment our labouring population.

Second Enclosure in No. 99.

Extract of Report of the Minister of Justice.

(Translation.)

New Africans.

It has been impossible to prevent the contraband in Africans, which, as it is reported, is carried on on the coasts of Brazil, notwithstanding the most urgent orders transmitted to all the authorities. The desire of advantage, the thirst for gold, however obtained, impels men to incur every danger, and blinds them to all the fatal consequences which ensue from their criminal undertakings. Further, those who infringe the law are in vain prosecuted, inasmuch as they are always acquitted of the crime; the greater number of the judges being interested, in various ways, in the continuation of this illicit commerce. The Government, however, will not cease to use all its endeavours, if not to put an end to it, at least to restrict it as much as possible. It also endeavours to render effective the enactment of the law of the 7th of November 1831, by contracting with the African authorities for a fit asylum to which may be conveyed the free Africans imported since that period, it being requisite that you authorise and enable the executive to make the necessary disbursements.

No. 100.

Her Majesty's Commissioners to Viscount Palmerston.—(Received July 19.)

MY LORD,

Rio de Janeiro, 21st May, 1838.

WE have the honour to inform your Lordship, that Her Majesty's Commissary Judge received a letter dated the 17th of April, 1838, from the Commander of Her Majesty's sloop "Rover," of which the inclosed is a copy, stating the particulars of the detention of two slave vessels within a short distance of this port; the one on the 11th, the other on the 13th of the same month.

On the 19th April Commander Eden brought into Court the papers found on board the vessel first detained, accompanied by the annexed declaration, stating her to be named the "*Flor de Loanda*," to be sailing under Portuguese colours, and to have on board 289 slaves.

Long arguments were offered, both on behalf of the captor and of the claimant, in this case; but as the first turned chiefly on uncontroverted points, and on the question whether the Portuguese commercial code was or was not in force in all its parts, and the second on the incompetency of this Court, we do not think it necessary to trouble your Lordship with the same.

Our report of the case, which, together with the sentence of the Court, we have the honour to enclose herewith, will show your Lordship, that, of the intention of the "*Flor de Loanda*" to land her slaves on this coast the Court entertained no doubt; as also that no credit whatever was given by them to the several pretexts under which it was sought to account for and justify the proceedings of the "*Flor de Loanda*;" and that the only difficulty felt was with regard to the national character of the vessel. On this point the Brazilian Commissary Judge was decidedly of opinion, that the transaction was Portuguese: no evidence to the contrary was offered; and the facts and circumstances set forth affording no sufficient proof that this vessel is the property of either British or Brazilian subjects, or of persons resident in the dominions of Great Britain or Brazil, the British Commissary Judge concurred with his colleague in the sentence pronounced.

We have only to hope, as we took occasion to observe in reporting the case to Her Majesty's Mission, that by the intervention of the Portuguese authorities at this Court (in virtue of the 23rd Article of the Portuguese decree of the 10th December, 1836), or by that of the Imperial Government, measures may be taken, by which the ends of justice and humanity may be as fully attained, as if this tribunal had had jurisdiction in the case.

We have, &c.

(Signed)

GEORGE JACKSON.
FREDERICK GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

First Enclosure in No. 100.

Commander Eden to Sir George Jackson.

Her Majesty's Sloop "Rover," at Rio de Janeiro,
17th April, 1838.

Sir,

I beg to inform you that on the 11th instant I detained (off the Marica Islands) a schooner, the "*Flor de Loanda*," under Portuguese colours, with 289 slaves on board.

And that on the 13th instant I detained (also off the Marica Islands) a brigantine, name unknown, having no colours hoisted, but Brazilian bent on; crew deserted, and 207 slaves on board, both of which are now in this Harbour for adjudication, they having been employed in the illegal traffic of slaves.

I have the honour to be, Sir,

Your most obedient humble servant,

CHARLES EDEN, Commander.

(Signed)

To Sir George Jackson, K.C.H.

&c. &c. &c.

Second Enclosure in No. 100.

Captor's Declaration.

I, Charles Eden, Commander of Her Britannic Majesty's sloop "Rover," hereby declare that on this 11th day of April, 1838, being off the Marica Islands, distant from the shore from 6 to 8 miles, I detained the ship or vessel named the "*Flor de Loanda*," sailing under Portuguese colours, armed with 1 nine-pounder and 2 six-pounder guns, commanded by Manoel Antonio Teixeira Barboza, who declared her to be bound from Cabinda to Monte-Video, with a crew consisting of 15 men, 1 boy, no supercargo, and 4 passengers, whose names, as declared by themselves respectively, are inserted in a list at foot hereof, and having on board 289 slaves, said to have been taken on board at Cabinda, and are enumerated as follows:—

Men and boys apparently healthy, 183.

Women and girls apparently healthy, 106.

I do further declare that the said ship or vessel appeared seaworthy, and was supplied with a sufficient quantity of provisions, but as stated by the Master, only two days' water.

(Signed.)

CHARLES EDEN, Commander.

(Witnessed.)

GRAHAM E. H. HAMMOND, Lieutenant.

HARRY GOLDNAY, Surgeon.

Third Enclosure in No. 100.

Report of the Case of the Schooner "*Flor de Loanda*," taken under Portuguese colours by Her Majesty's Sloop "Rover."

The schooner "*Flor de Loanda*," commanded and owned by Manoel Antonio Teixeira Barboza was detained on the 11th April, 1838, by Her Majesty's sloop "Rover," Charles Eden, Esquire, Commander, off the Marica Islands, distant from the shore from 6 to 8 miles, sailing under Portuguese colours, armed with 1 nine-pounder and 2 six-pounder guns, having on board 289 slaves, said to have been taken on board at Cabinda. The schooner was furnished with a passport from the Governor of Loanda, Manoel Bernardo Vidal, for a voyage from thence to Mocambique, by way of Cabinda and Montevideo, without specifying, however, whether in ballast or otherwise, but declaring her to be owned and commanded by the aforesaid Manoel Antonio Teixeira Barboza, a subject of Her most faithful Majesty; no foreigner having any part or interest in the same.

The monition having issued according to the usages of this country, four witnesses were in the first instance examined. The first, Manoel Antonio Teixeira Barboza, 26 years of age, unmarried, swore that he was a Portuguese subject, native of Bastos, in the province of Minho; that he came first to Brazil in 1828; that he was employed for 5 years as clerk to merchants in this city, and that, since that time, he had been engaged in different voyages between this port and the coast of Africa; that he was the Master and sole owner of the "*Flor de Loanda*," which vessel was originally North American, and that he bought her in 1836 from an American citizen in this city; the truth of which was certified by the production of a regular Bill of Sale; that he had made two voyages from hence to the coast of Africa, since his purchase of the schooner, the first with a Passport from Joaquim Antonio de Magalhaes, the late Portuguese minister at this court; and the second voyage with a Pass-port from Joao Baptista Moreira, the present Portuguese Chargé d' Affaires, which Passports were left with the Governor at Loanda, from whom the said Master received other passports in return; that he shipped the blacks at Cabinda, intending to settle them as colonists at Montevideo, and if not permitted to do so, to take them on to Mocambique; and that he was obliged by the want of provisions, to bear up for the port of Rio de Janeiro. The truth of this statement regarding the passports was confirmed by an Official Certificate from the Portuguese Mission at this court, which is filed in the present proceedings.

The second witness produced by the Captor.

Joze Luiz de Oliveira, furnished with a passport from the Government of Loanda, declaring him to be a Brazilian subject, sworn, that he was a passenger on board the "*Flor de Loanda*;" that as such he had also sailed in her for Loanda about 8 months before; that he was engaged in general commerce; and that he knew nothing of the intention of this vessel to take in a cargo of slaves till they were actually on board. In other respects his testimony was similar to that of the preceding witness.

The third witness.

Francisco Joze de Souza Pimenta, sworn: that he was a subject of Portugal; that he came to Brazil 6 years ago; that he engaged himself as Pilot to this vessel in Angola; that his residence was

in Pernambuco, where he had relations; and that he had made several voyages between this coast and that of Africa.

The fourth witness.

Manoel Jose Borges de Carvalho, swore, that he was a Portuguese subject, born at Oporto; that he came to Brazil 8 years ago; that he has been engaged since then in Commercial voyages, to different parts; and that he went to Angola and returned in this vessel as passenger, for objects of lawful commerce; with regard to the destination of the Africans, and the reasons for making the coast of Brazil, his deposition was the same as that of the preceding witnesses.

A claim was preferred on the part of Manoel Antonio Teixeira Barboza, who denied the competency of the Court, to take cognizance of this case, the vessel and her owner being both Portuguese; this fact being certified by the passports and other documents granted by the Portuguese Minister, Plenipotentiary at this court; and no proof being offered on part of the Captor to disprove it, or to show that any British or Brazilian subject had any interest in either the vessel or cargo; the British and Brazilian Commissary Judges, after an anxious and protracted examination of every person and circumstance which threw any light on the question, were of opinion that this Court had no jurisdiction in the case, and on the 15th May gave their sentence accordingly.

Rio de Janeiro, 21st May, 1838.

Fourth Enclosure in No. 100.

(Translation.)

Sentence.

"Rio de Janeiro, May 15th, 1838.

AFTER due examination of the process relative to the detention of the schooner "*Flor de Loanda*," by her Britannic Majesty's sloop-of-war "*Rover*," off the Islands of Marica, in consequence of 289 Africans having been found on board, the Commissary Judges of the Mixed Commission, although intimately convinced that this vessel was destined to land the said Africans on some point of the coast of Brazil, notwithstanding the allegation that they were to be directed to Moçambique, as colonists, touching at Montevideo (besides its being notorious that, in the Oriental Republic of Uruguay, the admission of such Africans is on no pretext whatever permitted, not even under the fictitious name of colonists), it is not credible that Africans should be transported from Angola to Moçambique for any purpose whatever, particularly in such numbers; on the contrary, it is most probable that the whole allegation is nothing more than one of the many means to which the traffickers in human flesh resort, in order to elude the existing Treaties and Laws; still, it being ascertained from the proceedings that the said schooner, formerly belonging to the United States, was sold here, in the year 1836, to Manoel Antonio Teixeira Barboza, a Portuguese subject, who, having complied with all the Regulations prescribed in similar transactions at that time in force, required and obtained from the Minister Plenipotentiary of Her Most Faithful Majesty at this Court the regular Portuguese Passport, in virtue of which he received the necessary Licence from the Brazilian Authorities, and proceeded on his first voyage to the coast of Africa, making a second voyage with regular papers, granted by the Portuguese Chargé d'Affairs and Consulate; and it not having, moreover, been discovered, either from the papers brought in, or from the depositions of the individuals examined, that any Brazilian or English subject had any interest in the said schooner and its cargo, and further, the principle that a resident in this Empire is to be considered as a temporary subject of the Brazilian Government, and, as such, amenable to the laws and any other stipulations to which Brazilian subjects are liable, not applying to him, inasmuch as, though it appears, by his own depositions, that he arrived in this city from Portugal more than 10 years ago, and lived in it as clerk to different merchants—a circumstance which cannot give him the character of an established merchant in the country—it is, at the same time, shown, that, after purchasing this vessel, he only resided here the necessary time for the conclusion of his affairs, thus becoming a mere travelling merchant, having no fixed residence in the country. On all these accounts, and it being impossible for the said Commissary Judges not to give faith to the papers granted by the Portuguese Legation, and, consequently, not to acknowledge as property of that nation the aforesaid schooner "*Flor de Loanda*," they declare that the final decision of the said detention does not appertain to this Court, in virtue of the Treaties between Brazil and Great Britain.

(Signed)

JOAO CARNEIRO DE CAMPOS.
GEORGE JACKSON.

(A True Translation.) JOHN BAPTIST COSMELLI,

Interpreter of the Mixed Commission, ad hoc.

No. 101.

Her Majesty's Commissioners to Viscount Palmerston.—(Received July 16.)

MY LORD,

Rio de Janeiro, 21st May, 1838.

WE have the honour to acquaint your Lordship, that the second vessel referred to in our preceding despatch, as having been detained by Her Majesty's ship, "*Rover*," is still under adjudication.

The sentence of the Court will, however, probably be pronounced very shortly; and we shall, of course, take the earliest opportunity after its publication, of transmitting the particulars of the case to your Lordship.

We have further to report the detention on the 13th of May last, of the brig schooner, "*Brilhante*," sailing under Portuguese colours, by Her Majesty's brig, "*Wizard*," Lieutenant Bower, Commander.

The proceedings in this case began on the 17th instant; and the Court have already made considerable progress therein.

We have, &c.
(Signed) **GEORGE JACKSON.**
FREDERICK GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 102.

Her Majesty's Commissioners to Viscount Palmerston.—(Received August 9.)

MY LORD,

Rio de Janeiro, 31st May, 1838.

THE second vessel detained by Her Majesty's sloop "Rover," and which we stated in our last number, to be still under adjudication, proved to be the "*Cesar*."

We have now the honour to transmit to your Lordship, the declaration of Commander Eden, to which is annexed one from Mr. B. G. Le Mesurier, the Mate in charge, detailing the circumstances of the detention.

Our report of the case is enclosed with a copy and translation of the sentence of the Court, pronouncing the "*Cesar*" to be Brazilian property, and, as such, a good and lawful prize, under the Convention of the 23rd November, 1826, declaring two Brazilian citizens, belonging to the same, to have incurred the penalty imposed by the first article of that Convention, and emancipating the surviving Africans on board, to the number of 202.

In this case, as your Lordship will perceive, no doubt, whatever existed in the mind of either the Brazilian or the British Commissary Judge, respecting the national character of the vessel; but there was, in the first instance, a very great difference between them, as to the propriety of declaring the Brazilian citizens belonging to her to be guilty of piracy. With regard to the Mate, this difference shewed itself rather in the backwardness, with which the Brazilian Commissary Judge agreed to introduce his name, than in a positive denial of the obligation to do so; but, on being called upon to insert that of the second also, who appeared only as a common sailor on board, he peremptorily refused, alleging that neither did the Alvara of 1818, nor the law of the 7th November, 1831, warrant such a proceeding; both those acts limiting the penalty to the officers of the vessel.

The British Commissary Judge replied, that the law by which the Commission was to be guided, was the Convention of 1826; and that, by the first article thereof, "the carrying on of the trade by *any* subject of His Imperial Majesty, is deemed, and treated as piracy." His colleague, however, still persisted in his refusal; and only yielded the point on the British Commissary Judge declining, in that case, to sign the sentence, and proposing arbitration.

We do not trouble your Lordship with the arguments, either of the captor or of the claimant, the former resting on the facts stated in the sentence, and the latter on the old ground of the vessel being Portuguese, and, therefore, not amenable to the jurisdiction of the Court.

We have, &c.
(Signed) **GEORGE JACKSON.**
FREDERICK GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

First Enclosure in No. 102.

Captain's Declaration.

I, CHARLES EDEN, Commander of Her Britannic Majesty's sloop "Rover," hereby declare that, on the 13th day of April, 1838, the said sloop detained a brigantine (name unknown), under no colours (and whose crew had deserted her), she being then off the Marica Islands (as reported to me by the officer who boarded her under the circumstances detailed in his declaration attached hereto). She had on board 207 slaves enumerated, as follows:—

Men and boys, apparently healthy 146
 Women and girls, apparently healthy 61

And I do further declare that the said vessel appears perfectly seaworthy, and had on board, at the time of detention, a considerable quantity both of provisions and water.

(Signed)

CHARLES EDEN, *Commander.*

B. G. MESURIER, *Mate in Charge.*

HARRY GOLD, *Surgeon.*

I, BULKELY G. LE MESURIER, Mate in charge of her Majesty's sloop "Rover," hereby declare that, on the 13th April, 1838, Her Majesty's sloop "Rover," being in chase of a brigantine which had not, though fired at, hoisted any colours, and refused to heave to, and from which a boat had been observed to leave for the shore full of men, I was detached with two boats, and found her deserted by her crew, with 207 slaves on board, and with a Brazilian ensign bent on ready for hoisting, in consequence of which I took possession of her, she being then about five miles distant from the shore, the centre of Outer Marica Island bearing about W. $\frac{1}{2}$ S., and Cape Negro N.E. by E., the "Rover" being at the time within gun-shot.

(Signed)

B. G. LE MESURIER, *Mate in Charge.*

Witness WILLIAM CHAMBERS, *Senior Lieutenant*
 HENRY GOLDNEY, *Surgeon.*

I do further declare that I found some oranges in the boat, hoisted up astern.

(Signed)

B. G. LE MESURIER.

Second Enclosure in No. 102.

Report of the Case of the Patacho, "Cesar," taken by Her Majesty's Sloop "Rover."

The patacho formerly Brazilian, and denominated the "Uniao," when first seen by Her Majesty's sloop "Rover," on the morning of the 13th of April, 1838, though fired at, hoisted no colours, and refused to heave to; and a boat being observed to leave her full of men, and to make for the shore, two boats were despatched after her from the "Rover," when (being then off the Marica Islands, about 5 miles distant from land) she was found deserted by her crew, and having 207 slaves on board, and with a Brazilian ensign bent on ready for hoisting, in consequence of which the officer detached from her Majesty's sloop took possession of her, and on the 19th of April brought her into Court.

The usual monition having issued, Sebastiao Rodrigues de Moura, subject of Her Most Faithful Majesty, and described as a Merchant resident at Angola, appeared, by his Proctor, on the 24th of the same month, to demand the restoration of the patacho and her cargo, asserting that both were Portuguese property, and denying the jurisdiction of the Court over such, and offering, on behalf of the reputed Owner, the Bill of sale made to him by a Brazilian subject, bearing date Angola, October, 1836, by which her name was changed to that of "Cesar," and from which date she had constantly sailed as Portuguese, engaged; till this voyage, in the coasting trade on the coast of Africa, and also presenting a protest made since their arrival in this city, stating this fact, and the reason for the patacho being found off this coast, which was as usual ascribed, first, to want of provision, and next, to having heard, from a vessel spoken some days before, of the blockade of the river Plate.

Up to the 28th of April none either of the officers or crew of the patacho had appeared in answer to the monition, but a fresh summons being issued by the Court under that date, directed against the Master and other individuals of the crew, who had signed this protest.

The former, Benardiao Portugal da Graça, presented himself on the 7th of May, and swore that he was a subject of Portugal, born at Moçambique, that he was Master of the patacho "Cesar," that his crew having forced him to quit her, on his being chased by the "Rover," he left all the ship's papers, together with the log, on board, and that the orders he had received from the Owner at Angola, were to take in the Africans at Ambriz and convey them to Moçambique, touching at Montevideo for refreshments.

On the 19th of May, the Affidavits of several individuals, taken according to the practice of this country, before a Brazilian Court of Justice, were laid before the Commission, to prove:

1st. That the claimant Sebastiao Rodriguez de Moura, was a Portuguese subject, Master and sole Owner of the patacho "Cesar," in virtue of the before-mentioned sale.

2nd. That the vessel had been legally nationalized as Portuguese, at Loando.

3rd. That from the date of the purchase to the present time, she had always been navigated with a Portuguese passport, and with such sailed from Loando in the month of March last, for Ambriz, Montevideo, and Moçambique.

4th. That the Master and almost all the crew were subjects of Portugal.

On the 15th of May Mr. B. G. Le Mesurier, Mate in charge, was examined, and having deposed to the fact, that no other papers whatever had been found on board the patacho than those which he had in the first instance brought into Court, and having made the usual affidavit relative thereto, the Commissary Judges, after a personal examination of the principal deponent adduced on the part of the claimant, were unanimously of opinion, for the reasons enumerated in their sentence, that the bill of sale was fictitious, and that the "Cesar" had never ceased to be Brazilian, more especially as the date of the power of attorney, authorizing the same, was only two days subsequent to that of the passport with which she was furnished as Brazilian by the Imperial authorities for a voyage from this Port to and from the coast of Africa, and, on the 26th instant, they pronounced sentence of condemnation against the "Cesar" and her cargo, declaring two of her crew, Brazilian citizens, to have incurred the penalty imposed by the first article of the Convention of the 23rd of November, 1826, and emancipating the Africans on board to the number of 202, male and female, in conformity with the 7th Article of the Regulations, 5 of the same having died since the capture.

Rio de Janeiro, 31st May, 1838.

(Signed)

GEORGE JACKSON.

FREDERICK GRIGG.

Third Enclosure in No. 102.

(Translation.)

Sentence.

From the examination of these proceedings it is ascertained that on the 19th of April of the present year, Her Britannic Majesty's corvette "Rover" chased a patacho distant about five miles from the Marica Islands, and on her being boarded by the boats of the corvette, the officers charged with this service found her totally abandoned by her whole crew, who, during the chase, escaped in a boat to the shore, the only persons on board being 207 Africans, without even the passport and other papers with which she was navigating to show her national character, the only token of the same being a Brazilian ensign bent on ready for hoisting. It is also seen that on her being carried into this port by the capturing sloop, and brought by the captors before the Mixed Commission, José da Costa Roiz Guimaraens, on behalf of Sebastiao Roiz de Moura, a Portuguese subject resident at Loanda, came forward to require the delivery of the same patacho calling it the "*Cesar*," on the ground that he had purchased her at Angola, while Brazilian property, from the attorney of Manoel José Duarte Guimaraens, a Brazilian subject, the patacho being then called "*Uniao*," offering, in proof of his allegations, the public bill of sale passed there in the year 1836, and, to justify the vessel's being fallen in with in the place where she was captured, another public document, viz., a protest made on board and ratified in this city by the notary Castro, declaring the causes which obliged the vessel to make for the ports of Brazil instead of proceeding to her destination, viz., to Mozambique, touching at Monte Video; and he also offered the justification which he made before the Civil Judge of First Instance in this city, by which he endeavoured to supply the want of the passport and papers of the patacho patachopretending that they were on board but had been lost.

The Commissary Judges, having attentively examined the whole of the proceedings, cannot give faith to the bill of sale, which they hold to be fictitious, grounding their judgment as well on the circumstance of similar bills of sale having been made for the purpose of covering all the vessels, employed in the inhuman traffic in slaves, with the Portuguese flag, in the hope of thus withdrawing them from the cognizance of this Commission, by means of the payment of the inconsiderable duties to which such sales are subject, as in the present case, where the sale of this vessel and her appurtenances is pretended to have been made for the trifling sum of 1 conto 400 milreis, as on the situation of the buyer, who, as one employed in the custom-house at Loanda, could not, according to the laws of Portugal, engage in trade, and is further known as a mere man of straw in slave transactions, from previous trials which have come before the court, and moreover on the want of the documents from the Portuguese authorities, which cannot be substituted by a "Justification," alike suspicious on account of the persons who deposed thereto, and gratuitous and inadequate to serve as proof.

This judgment of the Commission is corroborated by the Brazilian passport, with which the patacho sailed from this port in 1836, rendering it unquestionable that it is still Brazilian property, and probable that it had made another voyage, from the protest which, among other insignificant papers, was found on board, made at sea and ratified before the justice of the peace at Macahé in the month of September, 1837. This fact, in opposition to the allegation of the reputed owner, which declares the captured vessel to have been engaged solely in the coasting trade, and that only on the Coast of Africa, and that this—undertaken to carry Africans to Mozambique, by way of Monte Video—was her first long voyage, converts the well-grounded suspicion into certainty that she had made other voyages with the intention of afterwards returning to this port with the same passport with which she left it. Nothing else can be inferred from her being completely abandoned by the whole of her crew and passengers, and from the concealment of her papers, because, had they been regular, as alleged, there would have been no reason whatever for so extraordinary a proceeding.

Besides this, there exists the well-founded suspicion of her having communicated with the land before she was fallen in with by the sloop of war, and even of her having disembarked some of the Africans; from finding some oranges on board, said to have been received from a smack on the day preceding her capture; and from the circumstance of 53 of the same being wanting to complete the number of 260, which the reputed owner himself declares that he took on board in the port of Ambria. In consideration of all these circumstances, which, combined, afford convincing proof that the aforesaid patacho is Brazilian, although its real owner cannot be discovered, the individual who figured as such in the voyage to Angola, Manoel José Duarte Guimaraens, having left the empire, nor the transactions which, before his departure, he may have entered into while here, the Commissary Judges of the Mixed Commission adjudge the detention of the "*Cesar*" by the British sloop of war "Rover" to be lawful, and condemn it and all its appurtenances and cargo on board, in virtue of the convention of the 23rd November, 1826, to be dealt with according to the seventh article of the regulations annexed to that of the 28th July, 1817, and pronounce Manoel Joaquim de Mello and Elias Bathazar to have incurred the penalty expressed in the first article of the aforesaid convention of the 23rd November, 1826, both Brazilian subjects, the first having sailed as mate and the second as sailor in the patacho and further the aforesaid Africans, to the number of 202, now alive, to be free and emancipated, 144 of the same being of the masculine, and 58 of the feminine sex.

Rio de Janeiro, 26th May, 1838.

(Signed)

JOAO CARNEIRO DE CAMPOS.

GEORGE JACKSON.

BRAN MARTINS COSTA PASSOS, Secretary.

JOHN BAPTIST COSMELLI,

Interpreter of the Mixed Commission, *ad hoc*.

(A true Translation)

No. 103.

Her Majesty's Commissioners to Viscount Palmerston.—(Received August 13.)

MY LORD,

Rio de Janeiro, 16th June, 1838.

WE have the honour to acknowledge the receipt of your Lordship's despatch, dated the 19th March, acquainting us with the instructions to the

Commanders of Her Majesty's ships and vessels, to discontinue the practice of taking from vessels, detained by them under treaties with Foreign powers for the suppression of the Slave Trade, articles relating to navigation, which may be required for the use of the capturing vessel.

(Signed) We have, &c.
GEORGE JACKSON.
FREDERICK GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 104.

Her Majesty's Commissioners to Viscount Palmerston.—(Received August 13.)

MY LORD, Rio de Janeiro, 16th June, 1838.

WE have the honour to acknowledge the receipt of your Lordship's despatch of the 18th April, and its two enclosures.

We must beg your Lordship's indulgence, for confining ourselves at present to a simple acknowledgment of the same, the pressure of business before the Court not allowing opportunity, before the departure of this packet, for going into the subject, with that minuteness and attention which its importance requires.

(Signed) We have, &c.
GEORGE JACKSON.
FREDERICK GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 105.

Her Majesty's Commissioners to Viscount Palmerston.—(Received August 13.)

MY LORD, Rio de Janeiro, 16th June, 1838.

WE have the honour to acknowledge the receipt of your Lordship's despatch of the 19th April, transmitting printed copies of each of the under-mentioned documents, viz. :

1st, An Additional article to the Treaty concluded at the Hague on the 4th May, 1818, between Great Britain and the Netherlands, for the prevention of the traffic in slaves, the ratifications of which article were exchanged at the Hague on the 27th February 1837.

2nd, The Treaty, by which the Hanse Towns have acceded to the Conventions between His late Majesty and the King of the French, for the more effectual suppression of the traffic in slaves; the Ratifications of which Treaty were exchanged at Hamburgh on the 12th September, 1837.

3rd, The Treaty, by which the Grand Duke of Tuscany has acceded to the above-mentioned Conventions between His late Majesty and the King of the French, the Ratifications of which Treaty were exchanged at Florence on the 2nd March, 1838.

(Signed) We have, &c.
GEORGE JACKSON.
FREDERICK GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 106.

Her Majesty's Commissioners to Viscount Palmerston.—(Received September 10.)

MY LORD, Rio de Janeiro, 20th June, 1837.

YOUR Lordship was informed, by our despatch of the 6th August, 1836, that no official publication had then appeared of the understanding between the two Governments, arising out of the principle laid down in your Lordship's

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despatch of the 8th October, 1834, that the character of a merchant is to be taken from the place of his residence, and of his mercantile establishment.

To this day no such publication has been made. We therefore gladly availed ourselves of the opportunity afforded us by the Brazilian Commissary Judge, in discussing the sentence to be given in the case of the "*Flor de Loanda*" pointedly to introduce into that sentence the principle in question. He, himself, we may observe, seems of late more disposed to become a convert to it, than he was at first; but the doctrine thus put forth has been contested, and has caused much comment—as a specimen of which we have the honour to enclose, herewith, the translation of an article, which has appeared in the principal paper in this city.

We have, &c.
(Signed) GEORGE JACKSON.
FREDERICK GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 106.

(Translation.)

The simple reading of the sentence given by Messrs. Jackson and Campos, Members of the Mixed Brazilico-Britannica Commission, relative to the Portuguese schooner "*Flor de Loanda*," detained as being engaged in Slave Trade by the British sloop "*Rover*," is calculated to raise discussions, which, although at first sight of little interest, are, however, of great importance, and very serious. Looked at in this point of view, the question becomes one on which we must necessarily speak; we, who have so strenuously contended, from the commencement of the case, that the Commission should declare itself an incompetent Court, as it has in fact done. Allowing, as we do, due praise to the members of the said Commission, for having come to such a decision, we cannot, however, pass unnoticed certain expressions put forth at the end of the sentence, which strike directly at the spirit of the political constitution of the Empire, converting the two Special Judges into Brazilian Legislators, who, unopposed, dare to reform articles of our Fundamental Compact. These motives compel us to analyze the sentence, and to give our opinion upon it. The two Members say that it is abundantly proved, that the "*Flor de Loanda*" belongs to a Portuguese merchant, Manoel Antonio Texeira Barboza, and adds that, to this individual cannot apply the principle, "that a resident in this place is to be considered a temporary subject of the Brazilian Government, and, as such, amenable to the laws and any other stipulations to which Brazilian subjects are liable." What do these phrases mean? Where, in what law, and in what time, have Messrs. Jackson and Campos discovered that there were temporary subjects in Brazil? And, above all, what is a temporary subject? The moment we are subjects of a foreign nation, can we possibly be subjects of the country where we reside? To how many nations, then, can we belong? What an heterogenous and extravagant compound have the Commission combined in these phrases! Allowing even that one can be subject of as many nations as the Commission chooses, belonging, at the same time, to Russia and to the United States, to China and to Brazil, how dare Messrs. Jackson and Campos proclaim this in Brazil, in spite of our constitution, which recognises only *entire* and not half subjects; that is to say, temporary, according to this fine theory? We are in the habit of seeing and hearing every day extravagant things, and habituated to bear the arbitrary acts of various authorities, who exceed their power and functions, but they had not yet attained such a height: to reach this was reserved to the Mixed Commission, who, in two words, and two dashes of ink, make known to all Brazil, in their name, and not in that of the Emperor, that there are temporary subjects in Brazil; that they can reform the political constitution of the Empire, oppose the spirit of the same, and become lords and masters to make, destroy, annul, revoke, and re-establish whatever laws they think the country stands in need of. But the members of the Commission have made another discovery, namely, that those who have been in the country more than ten years, and have been engaged as clerks to merchants, and have not been mere travelling merchants, are to be considered as temporary subjects. Here, then, we have disclosed the famous enigma; here we see cut the accursed Gordian knot which produced terror in every mind. To establish on a solid foundation the principle of the existence of temporary subjects in Brazil, the Commission had recourse to the expedient of acknowledging them according to the time of their stay and residence in the country! One only observation remains to be made by us at present, as we shall probably soon return to the subject, and that is, how we are to interpret the character of a merchant established in the country, a phrase purposely introduced by the Commission in the middle of their sentence. We suppose that it is placed there only in contradistinction to that of a travelling merchant, although it has, in fact, no sense whatever.

No. 107.

Her Majesty's Commissioners to Viscount Palmerston.—(Received September 10.)

MY LORD,

Rio de Janeiro, 27th July, 1837.

IN the cases both of the "*Flor de Loanda*" and the "*Cesar*," embargoes were presented to the Court, as soon as its sentences were made known.

On their first presentation, the Brazilian Commissary Judge proposed the observance of the recent regulation prescribed by the Imperial Government in

all embargoes, the effect of which is to submit the sentence embargoed to the opinion of the law-officer of the Crown. This, Her Majesty's Judge positively objected to, and his colleague declaring his inability to forego the observance required, without orders from his Government, the question was necessarily suspended, and remained so till the 16th instant, when he presented a "portaria," in which the concurrence of the Imperial Government—founded on the opinion of its law officer—in the view taken by the British Commissary Judge, is intimated.

We have the honour to enclose herewith a translation of its document, as well as of the Minutes of the Court of the 28th May, in which the decree, enjoining the above-mentioned regulation, is received.

Your Lordship will observe, that the sentences to be embargoed are here said to be "definitive," a term, which of itself, should seem to exempt them from the operation of that practice. This, however, was used as an argument against us; and, inasmuch as the sentences, so described in this decree, were subject to this process, those pronounced by the Commission must, it was contended, be so likewise. It was in vain for us to appeal to the Third Article of the Convention, which engages to assimilate, as much as possible, the legislation of this country, in the prohibition of the slave traffic, to that of Great Britain—a stipulation framed as if for the express purpose of meeting questions of this nature.

On this, as on other occasions, when the subject has been discussed, the Brazilian Commissary Judge admitted his belief, that the intention of the signers of the Convention was to preclude any further consideration whatever of the case, when once sentence was given; but he said that, as that instrument was worded, nothing but an additional explanatory article, and a consequent legislative enactment, modifying the law of Brazil, on that point, could do away with the observance of "embargoes;" and that, even should he concur in rejecting the application of either party for that resource in any sentence pronounced by the Court, there would be a great risk of such sentence being returned to it by the officer charged with its execution, as had, in fact, happened, owing to some informality or misunderstanding, in the case of the "*Emilia*," in 1821.

In the case of the "*Cesar*," the proctor asked to be allowed to present authentic documents of the papers with which that vessel sailed on the voyage in which she was captured. The Brazilian Commissary Judge was of opinion, that according to the First Article of the Regulations, a term not exceeding four months should be granted on the security there specified. His colleague was of a contrary opinion, and recourse being had to arbitration, and the lot falling on the Brazilian Commissioner, the delay was conceded.

The reasons of the two Commissary Judges, for their respective opinions, appear in the annexed Minutes: the grounds of the arbitrator, declared on the 11th June, were not given. We may, however, state, confidentially, that the question was submitted, in private conversation, to the Regent, and to some of the first authorities here, who all decided in favour of the concession. From that time to the 26th was occupied in the arrangement of the requisite security, when, it evidently appearing that the parties were only endeavouring to gain time, the Brazilian Commissary Judge yielded to the persuasions of his colleague to reject the embargoes altogether, and to decree the final execution of their sentence.

We have, &c.
(Signed)

GEORGE JACKSON.
FREDERICK GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

First Enclosure in No. 107.

(Translation.)

Portaria.

The Regent *ad interim* in the name of the Emperor, conforming with the opinion of the Law Officer of the Crown, orders the Foreign Department to reply to the Official Despatch addressed to me by you on the 28th ultimo, relative to the objection which has been taken regarding the sentence of the schooner "*Flor de Loanda*," that the objection of the British Commissary Judge is well grounded, as the aforesaid Officer states that it is not conformable with the principles of law nor with custom that he, or any other officer, or even any party, should be heard in embargoes offered in sentences given in suits in which there had been no previous appearance either as plaintiff, defendant,

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party in the cause, or opponent; the said Officer adding also that if the Mixed Commission wished to consult him in matters merely private, he would decline interfering.

The which I communicate to you for your information.

God preserve you, &c.

(Signed)

ANTONIO PEREGRINO MACIEL MONTEIRO.

Rio de Janeiro, 16th June, 1838.

(A true Translation.)

JOHN BAPTIST COSMELLI,

Interpreter ad hoc to the Mixed Commission.

To João Carneiro de Campos.

Second Enclosure in No. 107.

(Translation.)

Minutes of Session of the 28th May, 1838.

In consequence of the Proctor of the Captor of the schooner "*Flor de Loanda*" having presented embargos to the sentence given by the Commission relative to this prize, the Brazilian Commissary Judge was of opinion that, in deciding the same embargos, the depositions of the last Decree of the Government, dated the 29th November, 1837, should be observed; to which the British Commissary Judge replied, that, not having yet received the definitive determination of his Government, whether the practice of admitting or not admitting embargos should be followed, he had no hesitation in admitting them in the present case, notwithstanding that he still persists in the opinion already given by him in the Session of the 2nd August, 1836, "that the admission of such a practice is contrary to the dispositions of the Treaty, which require that these causes should be terminated within 20 days." He, therefore, is not opposed to the embargos now offered being shewn to the other party, as the said Decree points out; but he cannot agree that afterwards they should be submitted to the Law Officer of the Crown to give his opinion upon. The Commission, therefore, resolved that this matter should be postponed until the decision of the Imperial Government, and the Brazilian Commissary Judge undertook to lay the subject before the said Government.

(A true Copy.)

(Signed)

BRAN MARTIUS COSTA PASSOS, *Secretary*.

JOHN BAPTIST COSMELLI.

Interpreter ad hoc to the Mixed Commission.

(A true Translation.)

Third Enclosure in No. 107.

(Translation.)

Minute of Session, 9th June, 1838.

The Brazilian Commissary Judge presented the Official Letter from the Minister and Secretary of State for Foreign Affairs, in reply to his communication relative to the condemnation of the patacho "*Cesar*," in which the Minister says, that on being informed of the decision of the Commission, he gave directions for the transmission of the affair to the Department of Justice. And the two Commissary Judges proceeding to discuss the "embargos" put in by the Proctor of Sebastiao Roiz de Moura, who styles himself owner of the patacho "*Cesar*," a difference of opinion ensued between the said Commissary Judges in respect to the granting of the term required in the same "embargos," for the presenting of an authentic documents of the papers with which the patacho sailed on the voyage in which she was captured; the Brazilian Commissary Judge being of opinion that, according to the last part of the First Article of the Regulations of the Mixed Commissions, the terms of four months should be allowed on the security specified in the said Article. The British Commissary Judge was of a contrary opinion, considering the sentence already given by the Court as definitive, because, though, he did not oppose the admission of the "embargos," still the term demanded by the Petitioner is not a resource derived from the said "embargos," but only from the Regulations annexed to the Convention referred to by his colleague. To enable, therefore, the Petitioner to avail himself of it he should have demanded it before the sentence was passed. In consequence of this difference, lots were drawn in conformity with the Third Article of the Regulations, and the lot fell on the Brazilian Commissioner of Arbitration, who thereupon received the "embargos" in order to consider them, and to give his opinion thereon.

(A true Translation.)

(Signed)

T. B. COSMELLI, *Secretary ad interim*.

JOHN BAPTIST COSMELLI,

Interpreter ad hoc to the Mixed Commission.

No. 108.

Her Majesty's Commissioners to Viscount Palmerston.—(Received September 10.)

MY LORD,

Rio de Janeiro, 28th June, 1838.

WE have the honour to inform your Lordship, that the proctor, in the case of the "*Flor de Loanda*," declared his intention to offer embargos to the sentence of the Court so early as the 28th May; in consequence, however, of the circumstances detailed in our preceding number, the consideration of them was not pressed on his part, nor entered into by the Court, till the 19th instant, when the embargos appearing to contain no new matter, and to afford no proof by which the "*Flor de Loanda*" could be deemed Brazilian, they were rejected, and the original sentence was confirmed.

For the ultimate fate of this vessel, we must refer your Lordship to the

Reports of Her Majesty's Mission ; but, before closing the subject, we cannot but again draw your Lordship's attention to the conduct of the Portuguese authorities at Loanda, who continue unscrupulously to issue passports and other documents for vessels to proceed in ballast, which vessels they know are to receive cargoes of slaves at the very mouth of the harbour.

This has been the case in each of the three recent captures ; and no doubt can, for one moment, be entertained, but that the same has happened with respect to every one of the many vessels, which have recently arrived at this port from the Coast of Africa.

Indeed, we have been informed, that the Governors, both of Mozambique and Loanda, have refused, or at least suspended, obedience to the decrees of their Government for the total abolition of the traffic in slaves, and that they published proclamations to that effect.

We have, &c.
(Signed) GEORGE JACKSON.
FREDERICK GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.
 &c. &c. &c.

No. 109.

Her Majesty's Commissioners to Viscount Palmerston.—(Received September 10.)

MY LORD,

Rio de Janeiro, 29th June, 1838.

The case of the "*Flor de Loanda*," reported in our Despatch of the 21st May last, has given rise, from the first moment of her coming into this port, to more excitement and unpleasant discussion, than any previous prize which has come within our cognizance.

We purposely refrained from adverting to the circumstance which occurred, soon after her arrival, between Her Majesty's sloop "*Rover*," and a Brazilian boat, as not coming within our immediate province, and knowing that Her Majesty's Government would be fully and more perfectly apprised of every particular relating thereto, through other channels ; and with regard to what has passed before the Mixed Commission, we thought it better to delay addressing your Lordship thereon, till the whole case should be finally closed.

We have now, accordingly, the honour to state that, on a representation from Commander Eden, that he apprehended a rescue in bringing the witnesses up to the Court, the Brazilian Commissary Judge was instructed to require an escort from the War Department whenever, a witness was to be examined, a service which was promptly and efficiently rendered, without any symptom of disturbance.

The public journals were, in the mean time, loud in their charges and complaints against the "*Rover*," to which the Court paid no attention ; but the master and owner of the "*Flor de Loanda*" having, in a protest against her detention, complained of his having been put in irons, Her Majesty's Commissary Judge objected to such protest being filed, without its being first shown to Commander Eden, and giving him an opportunity of placing the matter in its proper light. An extract from Commander Eden's reply to the Court on this head, which is filed, we have the honour to enclose herewith ; and further to mention that, on a second examination, the master declared that he had no complaint to make.

On the 10th May a paragraph appeared in a paper of little note in this city, asserting that the English were selling blacks, during the night, from on board the slave-vessels, an accusation which was treated at the time, by every member of the Court, as well as by the more respectable part of the community, as a groundless calumny ; ascribable only to the ill-will and vexation of interested parties, or, at most, to the sympathy which is too generally felt in this country for all concerned in slave speculations.

Far be it from us, my Lord, even now, to give it any other explanation ; but it is not less our duty to put your Lordship in possession of every circumstance, and to lay before you the whole of the documents and correspondence bearing on this distressing occurrence.

They will be found sub-letters B to N.

The first is a representation from the master of the "*Flor de Leanda*," complaining of the robbery of the blacks.

The "*Rover*" having sailed for England, this representation was forthwith forwarded by the Court to Captain Herbert, as senior British officer in this port, in a letter from their Secretary.

Captain Herbert's reply was received on the 26th May.

The Court immediately called on the complainant for proof of the charge, and receiving his reply on the 2d June, again wrote to Captain Herbert on the subject. This letter, that of Captain Herbert, and the answer to that officer's request, are annexed.

No satisfactory reply having reached the Court from Captain Herbert, and the excitement in the public mind increasing, the Commissary Judges thought it incumbent on them again to call the master. This they did on the 11th June, but he was not allowed to obey their first summons; and, owing to the intervention of two successive holidays, he did not appear till the 15th, when, in consequence of his deposition, the officer of the Court was ordered to repair on board, and report as to its truth. This deposition and report are marked.

In the interim we received a letter from Captain Herbert, dated the 10th June.

With this closed the correspondence of that officer with the Mixed Commission; but a further correspondence, originating in the motives therein expressed, ensued between Captain Herbert and Her Majesty's Commissary Judge. The last of these letters was caused by a fresh complaint against the officers in charge of the prizes, of the robbery of two blacks from on board, and of ill-treatment, which, for the reason stated, the Court declined to entertain, but which it was judged right to communicate to Captain Herbert.

The letter from Mr. Armitage, referred to in the last communication to Captain Herbert, we think it best to send in original.

We regret to be under the necessity of troubling your Lordship so much at length on this subject; but it appears to us to be of too great importance in its several bearings, whether with reference to the honour of Her Majesty's service, or to the effect produced thereby in this country, to allow of any curtailment. Not, however, to extend this Despatch beyond what we consider absolutely necessary, we refrain from any comments on any part of the proceedings, and submit the whole, anxiously indeed, but confidently, to your Lordship's judgment, only adding that, considering the great mortality on board the "*Flor de Leanda*," previous to the sailing of the "*Rover*," it is highly desirable that the log, or an attested copy of it, as suggested by Captain Herbert, should be sent to the Court, the more so, as the Imperial Government have required to be furnished with every document which we are now transmitting to your Lordship.

We have, &c.

(Signed) GEORGE JACKSON.
FREDERICK GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

First Enclosure in No. 109.

Extract of a Letter from Commander Eden to the Mixed Court, dated Her Majesty's Sloop "Rover," at Rio de Janeiro 27th April, 1838.

I have the honour to acknowledge the receipt of your letter of yesterday's date, written by order of the Mixed Commission, accompanied by the protest of Manuel Teixeira Barboza.

In reply to which, allow me to thank the Commissioners for the opportunity they have afforded me of giving the most positive denial to the truth of the greater part of the statements, therein set forth.

The complainant on the day of the arrival in this port, of the prize, hailed a boat, and attempted to communicate with her, and when desired to desist, conducted himself in a most violent manner, saying, "That he was captain of the vessel until her condemnation, and would until that time act as he pleased;" in consequence of which, he was brought on board the "*Rover*," and persisting in that line of conduct, was after dark put in irons, and so kept until daylight, when he was released, and sent on board the schooner, since which he has not been put in irons, and has been under little or no restraint.

Second Enclosure in No. 109.

(Translation.)

Claimant's Petition.

TO THE COMMISSARY JUDGES.

José Maria Frederico de Souza Pinto, Proctor of Manoel Antonio Teixeira Barboza, Master and owner of the Portuguese schooner "*Flor de Loanda*," actually in this harbour, respectfully submits the following representation.

That, while this schooner, laden with Africans, was under the charge of the British sloop "*Rover*," besides the ill-treatment given to those men, they were secretly sold, and the sales were involved in mystery. But immediately after this respectable Court had given their final sentence, this scandal reached such a height, that no mystery was any longer observed; and regularly every night the schooner saw disappear from on board 6 and 8 Africans, sold to the first who chose to go for them. Such is the philanthropy of the captors, and such is the respect they pay to the decisions of the Court. Their respectable sentence has just been embargoed; and who knows but this step has been resorted to, with a view only to gain time and sell the whole cargo? This schooner is, in the meanwhile, under the jurisdiction of the Commission; consequently, it is their duty to take prompt and very efficacious measures, to put a stop to so scandalous a proceeding.

Your petitioner, therefore, begs that the Registrar of this Court may be ordered to take an account of the Africans now alive, and that orders may be given that none of those that may die be buried, except in the presence of the said Registrar, who shall draw up a declaration of the same signed by two witnesses.

And your petitioner, &c.

(Signed) JOSE MARIA FREDERICO DE SOUZA PINTO.

Rio de Janeiro 22nd May, 1838.

Third Enclosure in No. 109.

(Translation.)

The Mixed Court to Captain Herbert.

Sir,

Rio de Janeiro, 22nd May, 1838.

THE enclosed Petition having been this day presented to the Brazilian and British Mixed Commission by the proctor of the Master of the "*Flor de Loanda*," Manoel Antonio Teixeira Barboza; and as the Commission cannot avoid taking the same into consideration, the Commissary Judges of the said Commission have directed me to forward it to you, in the absence of the Captor of the said schooner "*Flor de Loanda*," in order that, causing the proper inquiries to be made into the important matter which it contains, you may be pleased to transmit (together with the said petition) an exact and minute statement respecting it; directing, likewise, that the Africans actually on board of the schooner be numbered, in order that an account of those now on board, and of those who may have died since their arrival to the present time, may also be afforded to the Court.

I have the honour to be, &c.

(Signed)

BRAZ MARTINS COSTA PASSOS,
Secretary.Captain Herbert, R.N.
&c. &c. &c.

Fourth Enclosure in No. 109.

*Captain Herbert to the Mixed Court.**Her Britannic Majesty's Ship "Calliope," Rio de Janeiro, 24th May, 1838.*

GENTLEMEN,

IN consequence of the representation made in your letter of yesterday, stating that the Master of the slave schooner "*Flor de Loanda*" had alleged "that slaves had been clandestinely taken from her during the stay of the '*Rover*,' and that, since her departure, the practice of selling the slaves had been more openly followed, so much so, that nightly from 6 to 8 slaves were sold to the first boat that came along side for them, and calling upon me to adopt measures to put an end to this scandalous proceeding," I have caused an inquiry to be made into the circumstances of the case, and enclose for your information the report of the officers ordered upon this service. I shall refrain from entering into any discussion on the subject of your statement, as the explanation given in the enclosed will set the affair in its true light; and considering the groundless charge of ill-treatment of the Master of the slaver during Captain Eden's stay, and so completely rebutted by him, I must request, before any further complaints are preferred to me against officers under my orders, that you will cause the truth of the charges to be fully ascertained, as the character and feelings of gentlemen are not to be trifled with under such a frivolous and groundless pretext.

I have the honour to be, &c.

(Signed) T. HERBERT, Captain:

To the Commissary Judges of the Mixed
Brazilian Commission Court,
&c. &c. &c.
Rio de Janeiro.

P.S.—A certificate from the Master of the slaver accompanies this, denying in the same strong language the truth of the assertions made on this occasion, as he did on a former charge, preferred against Captain Eden on the ground of ill-treatment.

(Signed) T. HERBERT.

Sub-Enclosure A.

Report.

SIR,

Rio de Janeiro, 23rd May, 1838.

In obedience to your order of this day's date, to proceed on board the "*Flor de Loanda*" slave schooner, under Portuguese colours, captured by her Majesty's sloop "*Rover*," and left in charge of Mr. Dyatt, mate of that sloop, to await a final settlement of her case, in consequence of an official representation to you, from the allegation of the master of the said slave schooner, "that while the "*Rover*" remained here, some of the slaves were clandestinely sold, but since the sentence of the Mixed Commission Court was published, and the "*Rover*" left the harbour, the practice of selling the slaves "has been openly followed; so much so, that nightly, from six to eight slaves were sold to the first boat that came alongside for them; therefore the Court is called upon to adopt measures to put an end to this scandalous proceeding," we have repaired on board the said slave schooner, "*Flor de Loanda*," and having carefully investigated the particulars of the charges, as enumerated in your order, we find that the two slave vessels were placed under the superintendence of Mr. Armitage, and the vessel more particularly mentioned in charge of Mr. Dyatt, under his directions: we therefore called upon those officers to assist in the investigation, and afford us such information as their local knowledge only could afford; and having caused the whole of the slaves to be sent below, a sentry planted, and counted up, we found 236 living. From Mr. Armitage's statement it appears that, during the time Lieutenant Hamond had charge, previous to the sailing of the "*Rover*," 50 had died, who were regularly inserted in the log, and 3 since, making deaths altogether 53, which, deducted from the total number at the time of capture (289), leaves the number at present on board 236, as before stated. It is necessary to observe that the log kept by Lieutenant Hamond was taken by that officer, on rejoining the "*Rover*:" the small number (3) have been satisfactorily accounted for. And as the charge was said to have been preferred by the master of the "*Flor de Loanda*," we considered it necessary to call upon him to ascertain if the statement, said to come from him, had any foundation in truth. He most positively asserted that "he had never known a boat to come alongside to take slaves out," nor "had he known a slave to have been taken out of the vessel clandestinely." We are therefore of opinion, that the charge has originated in error, and is most false, as borne out by the correct and uniform details of all the circumstances, since the said vessels have been in charge of her Majesty's ships.

We have the honour to be, Sir,

Your most obedient humble Servants,

(Signed)

GRAHAM GORE, *Lieutenant, "Volage."*E. TENNYSON D'EYNCOURT, *Lieutenant, "Calliope."*

THOMAS HERBERT, Esq., *Captain of Her Majesty's ship, "Calliope," and Senior Officer at Rio de Janeiro.*

Sub-Enclosure B.

(Translation.)

THE undersigned having been informed that a report is current in the city, that some of the Africans from on board of the schooner "*Flor de Loanda*" had clandestinely disappeared, or been sold, and that this report had originated with the master, and been circulated by him, or by persons belonging to the said schooner; therefore the undersigned declare, and are ready, if necessary, to assert on oath, to all persons interested, that such reports are entirely false, that they never were circulated by any one on board of the said schooner, with the consent or the knowledge of the undersigned. We deem, therefore, as false, any and all persons who may endeavour to implicate us as the authors of such reports.

(Signed)

Master.

Pilot.

Passengers.

"*Flor de Loanda*," 23rd May, 1838.

I DECLARE that it appears from the colonists themselves, that in the night in which the "*Rover*" went on a further cruise of four days, one colonist went on shore, and from that time until her return some others went; but, after the sailing of the "*Rover*" for England, it does not appear that any others went.

(Signed)

MANOEL ANTONIO TEIXEIRA BARBOZA.

Rio, on board the schooner, "*Flor de Loanda*,"

25th May, 1838.

Fifth Enclosure in No. 109.

(Translation.)

The Mixed Commission to Captain Herbert.

SIR,

Mixed Commission, 2nd June, 1838.

THE Commissary Judges of the Mixed Commission, who have had under consideration your Letter of the 24th May, with its two accompanying documents, respecting the investigation instituted on board of the schooner "*Flor de Loanda*," in consequence of the imputation advanced by the proctor of the Master of the same, that some Africans belonging to her had been sold, direct me to reply to you, that the Commission made no representation whatever on that point, as you in your Letter assume that they did, and that, far from giving credit to so scandalous a proceeding, or from calling upon you to put an end thereto, they confined themselves to bringing under your cognizance the application which was made to them, convinced, Sir, that you would feel obliged to them for affording you an opportunity of giving the necessary information on so important a subject.

According to the wish expressed in your Letter, the Commissary Judges have delayed their reply until their requisition enclosed was complied with. And having this day received the

representation, which is also annexed they hasten to lay it before you, and as it appears by the investigation had on board of the vessel in question, that the entries of the deaths of the Africans are wanting, and that the declaration of the Master (if it be of any value at all) contradicts the certificate, which is said to have been given by the Master, the Mate, and the passengers, the Commissary Judges submit to you whether it be not indispensable for the information of their respective governments, that you would be pleased to give some further elucidation, the rather, as the master declared, in the presence of the interpreter to this Commission, that he would not sign the said certificate (which, moreover, has no name to it) unless accompanied by the declaration added at the end of the paper.

The Commissary Judges hope that you, Sir, will not consider this suggestion as proceeding from any idea of trifling with the character of any officer under your orders, but solely from the desire of giving the requisite satisfaction, as well to their respective governments as to the public, who have been much excited by the complaints made on this subject.

Upon this occasion the Commissary Judges direct me to represent to you, how much the miserable Africans suffer, in the present season, from the want of clothing.

It remains for me only to remind you, Sir, to be so good as to return the enclosed papers, as well as the former requisition, which it is indispensable should be annexed to the proceedings to which they belong.

I have the honour to be, &c.,

(Signed)

J. B. COSMELLI, Secretary ad interim.

Captain Herbert, R.N.

&c. &c. &c.

Sub-Enclosure C.

(Translation.)

Requisition.

Let José Maria Frederico de Souza Pinto, the proctor of the Master and Owner of the schooner "*Flor de Loanda*," produce before this Commission within the term of two days, to end to-morrow, the 1st of June, the justification required of him under date of the 28th instant, relative to the complaint of the supposed sale of the Africans shipped on board of the said schooner, under pain of the said complaint being considered groundless.

Rio de Janeiro, 31st May, 1838.

(Signed)

GEORGE JACKSON.
CARNEIRO.

Sub-Enclosure D.

Representation.

(Translation.)

To the Commissary Judges.

The justification required was in consequence of the petitioner having stated the sale of the Africans as a certain fact, respecting which the Court have asked for the necessary elucidation, and have now reiterated their representations on this head.

Rio de Janeiro, 2nd June, 1838.

(Signed)

GEORGE JACKSON.
CARNEIRO.

Sub-Enclosure F.

(Translation.)

José Maria Frederico de Souza Pinto, proctor of the Master and Owner of the schooner "*Flor de Loanda*," says that yesterday the 1st instant, he was summoned in the middle of the street, by virtue of a summons signed by the Commissary Judge Jackson, to justify before the Commission his first representation, in which petitioner required measures should be taken respecting the disappearance of the Africans shipped on board the "*Flor de Loanda*," under pain of the allegation therein being considered groundless.

Petitioner represents to the Commissioners that, in his judgment, such justification is unnecessary, because, in that representation, petitioner required precautions to be taken relative to the fact, stated therein as matter of public notoriety, and which was moreover so supported as to call for the attention of whoever in any manner has any concern in this prize, whether as judge or as a party interested. It appears that several of these Africans have been sold, and are now in this city, but the proof of this fact, certain and positive, requiring the production of the Africans before a Court of Justice, would bring with it the heavy sanction of the law against those who should produce them, and who, by so doing, would confess themselves guilty of the crime of reducing free people to slavery.

Now, to require this proof, thus surrounded by danger, is not generous, and is, so to speak, to cause terror to those who circumspectly, respectfully, and in good faith, seek their right before so respectable a tribunal. It must be observed that, if petitioner in the name of his client, intended making a criminal complaint of such disappearance, he would have applied to the competent Court, and have there instituted legal proceedings. But petitioner did nothing more than call attention to the notorious fact, and subsequently asked for repressive measures, supposing the fact to be true, or preventive ones, if its currency originated in falsehood for measures which, from the first, ought to have been taken, and which he is well entitled to claim, because whilst such a step guarantees the right of his client, it in no way offends the decorum due to the Court.

Let the Commission be pleased to order the Africans now on board the "*Flor de Loanda*" to be counted. The number may perhaps prove to have greatly diminished, without the possibility of giving any legitimate reason for such diminution. And, if the contrary should be the case, still the petitioner has a right to make the demand, for it is founded on justice and good sense.

(Signed)

JOSE MARIA FREDERICO DE SOUZA PINTO.

Sixth Enclosure in No. 109.

*Captain Herbert to the Mixed Court.**Her Britannic Majesty's ship "Calliope,"
Rio de Janeiro, 8th June, 1838.*

SIR,

I HAVE to acknowledge the receipt of your official note (of the 2nd instant) received by me this morning, with Enclosures, relative to the slave schooner "*Flor de Loanda*," captured by Her Britannic Majesty's sloop "*Rover*," but, not understanding the Portuguese language, and to avoid any misinterpretation, have to return them, to be laid before the Judges of the Mixed Commission Court, with the request that they will be pleased to give directions for my being furnished with an official Translation, together with the enclosed.

I have the honour to be, Sir,

Your most obedient Servant,

(Signed)

T. HERBERT, Captain.

Senor Joao Baptista Cosmelli,
Secretary to the Judges of the Mixed Commission Court,
&c. &c. &c., Rio de Janeiro.

Seventh Enclosure in No. 109.

The Mixed Court to Captain Herbert.

SIR,

Rio Janeiro, 8th June, 1838.

I have to acknowledge the receipt of your official letter of this day's date, in reply to which I have the honour to say, by order of the Commissioners Judges, that the Commission having no interpreter, but one appointed, *ad hoc*, for each respective case, who is paid, at the instance of the British Government itself, by the parties, the Commissary Judges have no means to comply with the request made in your said letter, leaving you to charge your proctor, or any other person in your confidence, with the translation of the documents, for which purpose you will find them herewith,

I have the honour to be, &c.

(Signed)

J. COSMELLI, Secretary, ad interim.

Captain Herbert, R. N., &c. &c. &c.

Eighth Enclosure in No. 109.

(Translation.)

Deposition.

On the 15th day of June, 1838, in this City of Rio de Janeiro, before this Commission, and in the presence of the Commissioners Judges, appeared Manoel Antonio Teixeira Barboza, who, being first sworn, was told that he had been summoned for the purpose of declaring what he knew regarding the accusation made, that some Africans from on board the schooner "*Flor de Loanda*," had been sold; the said Commission being informed that, on an Attestation being presented to him to sign, contradicting such declarations, he refused to do so, unless accompanied by a declaration which renders such attestation doubtful. The British Commissioner Judge, having recommended to him the greatest circumspection as to what he was going to depose, saying that, having already sworn that the destination of the Africans found on board was to Montevideo, as Colonists, the Commission could not give credit to such a declaration, being convinced that they were to be landed on some point of the coast of Brazil, as declared in their sentence. He replied that, as regards this last point, he ratifies all that he had before deposed as to the destination of the Africans to Montevideo, as colonists, and that his appearance in the vicinity of this port was owing to the necessity of putting into it, so much so that, when chased by the sloop, he did not attempt to escape from the sloop; that, with respect to the sale of the Africans said to have taken place, he declared that, a certificate being presented for him to sign, stating that the reports of such sale, having originated with him and other persons on board the said schooner, were false, he refused to do so, except with the declaration written at the foot of the same, he knowing the fact from the said colonists, as well as from the circumstances that some of the same (older blacks), serving on board the vessel at night, could not be found on the following morning, as it happened with one who, during, the time the sloop went on a cruise, was made drunk, in order to put him the more easily into the boat to take him on shore, as well as with two others that also went on shore on the same occasion; as also another named Antonio, together with some others, during the absence of the sloop on the same cruise. That he knew the number of deaths to this time to be 38, two before entering this harbour, and 36 since then; adding that the blacks were very badly treated; that often they had only one meal a day, and were kept in the greatest state of filth, for want of cleansing the vessel, which caused great mortality, as well as the want of medical assistance and diet. That some masts or logs, belonging to the vessel had been used for fire-wood, and that, on the evening before the sailing of the "*Rover*" for England, a boat was sent from her to inquire whether anything had been taken from him (the Master); that he answered "No," but that at the very moment the sailor that brought the message went down into the hold and took away a ten-inch hawser, which he carried on board the sloop.

(Signed)

MANOEL ANTONIO TEIXEIRA BARBOSA.

(A True Copy) JOHN BAPTIST COSMELLI,
Interpreter, ad hoc, to the Mixed Commission.

In compliance with the order given to me by the Commissary Judges of the British and Brazilian Mixed Commission, I went on board of the schooner "*Flor de Loanda*," and there, in the presence of the English naval officer actually in charge of the said schooner, as well as in the presence of the said Master, Manoel Antonio Teixeira Barbosa, and passengers, I inquired whether he, the Master, would ratify the deposition made by him, on the 15th instant, before the Commission; and, having

presented the same deposition to him, in the presence of the officer and passengers, he replied that he ratified all that he had therein declared.

(Signed) On board the Schooner "Flor de Loanda," 19th June, 1838.
JOHN BAPTIST COSMELLI, *Interpreter, ad hoc.*
MANOEL ANTONIO TEIXEIRA BARBOSA.
MALCOLM R. DYATT, *Mate.*
JOZE' LUIZ DE OLIVEIRA.
JOAO JANUARIO DURAO.
MANOEL DOMINGOS MAIA.
MANOEL JOZE' BORGES DE CARVALHO.

I do also hereby declare that, in compliance with the said order, I proceeded to make the examination required, relative to the complaint made by the said Master of the schooner "Flor de Loanda," and, on examining the said vessel, I found, as regards what the Master affirmed in his deposition, that the vessel did leak, but the officer reported to me that he could not say to a certainty how much.

As to the Africans being in a state of the greatest filth, as well as that they were badly treated, and that often they had only one meal a day, I found only that want of cleanliness which, in similar vessels may be supposed to exist. As to their food, that it has sometimes happened that their meal was delayed, in consequence of waiting for fresh supplies from on shore. As to the want of medical aid and diet, it was reported to me, by the officer in charge, that the doctors of the "Calliope" and of the "Cockatrice" had occasionally seen them, but that they could not administer any medicine, unless the Africans should be removed from on board, as some of them shewed symptoms of scurvy. As to the want of the spars and hawser, the officer could only say that the latter had been taken out by superior order, before he took charge of the schooner. As to the spars, that only one had been burnt by his order, and this was in consequence of being broken in two by striking against another vessel.

(Signed) *Rio de Janeiro, 19th June, 1838.*
JOHN BAPTIST COSMELLI, *Interpreter, ad hoc.*

(A True Copy.) JOHN BAPTIST COSMELLI,
Interpreter, ad hoc, to the Mixed Commission.

Ninth Enclosure in No. 109.

Captain Herbert to the Mixed Court.

SIR,

*Her Britannic Majesty's ship "Calliope,"
Rio de Janeiro, 10th June, 1838.*

I HAVE the honour to acknowledge the receipt of your letter of the 8th instant, communicating the refusal of the Commissioners to give me the advantage of a translation of the previous one of the 2nd instant, with its inclosures, that you addressed to me, by their orders. I had hoped that the Commissioners would have had the kindness to grant me this courtesy; but being disappointed in this, I am forced to reply to their despatch, conveyed through you, trusting to the best means within my reach to attain a knowledge of the contents.

Putting aside the unfounded accusation, made without even a sense of shame, that slaves were sold from the "Flor de Loanda" by the officer in charge of that vessel, I shall refer to the Document inclosed in your letter of the 2nd instant, by which I understand that the parties in that calumny now declare, that they only ask for repressive measures, in the hypothesis that the charge is true, or preventive ones if the statement be false, such measure to be a return of the slaves now on board, as well as of those that are deficient: I conceive this answered in my communication to the Commissioners dated the 24th ultimo. As to the first enclosure in your said letter, it is translated to me as merely an intimation to the accusing parties, calling upon them for proof. I beg you will assure the Commissioners of my most anxious desire to furnish them with every information in my power regarding the unfortunate slaves, whose wretched condition, by long confinement, is most offensive to humanity. I herewith enclose a return of the slaves on board the "Flor de Loanda," "Cesar," and "Brilliant," and of their casualties up to this date, and similar returns shall be sent weekly, as it may be, on many accounts, satisfactory to the Commissioners to receive them.

With reference to the occurrences on board the "Flor de Loanda," prior to the departure of the "Rover," Lieutenant Hamond, who then had the charge, has taken the log of proceedings with him, and, if required, the original, or an attested copy, can easily be obtained from that officer.

The papers enclosed in yours of the 2nd instant, and also the petition alluded to in that letter, accompany this.

I have the honour to be, Sir,

Your most obedient Servant,

To the Secretary of the Mixed Slave Commission,
&c. &c. &c.

(Signed) T. HERBERT, *Captain.*

Tenth Enclosure in No. 109.

Sir G. Jackson to Captain Herbert.

SIR,

Rio de Janeiro, 12th June, 1838.

YOUR letter of the 10th instant was received yesterday, conveying the assurance of "your most anxious desire to furnish the Commissioners with every information in your power regarding the unfortunate slaves, whose condition, by long confinement, is most offensive to humanity," and enclosing a return of the slaves on board the "Flor de Loanda," "Cesar," and "Brillante," and of their casualties up to the 10th instant.

This communication will be duly laid before the contracting Governments, and, with it, ends the

present correspondence between yourself and the Court, with the additional remark only, that you take no notice whatever of the additional recommendation of the Commissioners respecting the clothing, which the present season of the year renders particularly necessary for the blacks; but there are one or two points, Sir, in your letter, which, as the Presiding Member of the British Branch of the Commission, I think it right to advert to.

The first and most important is, that in which you assume that the accusation was directed personally against the officer in charge of the "*Flor de Loanda*." The Court have already stated that no accusation of any kind was made by them, and a closer view of the charge itself will show that no one particular individual was involved in it, however the fact, had it been founded, would have necessarily argued remissness on the part of those in charge of the prize.

The second point is of less consequence, as being more immediately personal to myself; but as it is altogether at variance with those principles which I have ever wished should regulate my conduct, whether public or private, I cannot allow it to pass unnoticed.

I allude, Sir, to that passage of your letter, in which you would seem to impute a want of courtesy to the Commissioners. It has already been explained to you how they are precluded, as well by the rules as by the composition of the Court, from using any other than Portuguese language in documents proceeding from them as a body. Any facility that I could personally have given you would have found me well disposed to have afforded you, in the same spirit which dictated the first tender of my services; but I leave it to your own reflection, Sir, to decide how far your own deportment, either towards the Court collectively, or myself individually, since the decision with respect to the "*Flor de Loanda*" was first made known to you, has been such as to indicate a disposition, on your part, for any interchange of courtesy.

I have only to add, that, having now prepared the translations of the several documents in question, for the information of Her Majesty's Government, I will very readily forward the same to you, if such should be still your wish, for the purpose of enabling you to make whatever copies or extracts therefrom you may think fit, between this and the sailing of the packet.

I have the honour to be, &c. &c.

Captain Herbert, R.N.,
&c. &c. &c.

(Signed)

GEO. JACKSON.

Eleventh Enclosure in No. 109.

Captain Herbert to Sir G. Jackson.

*Her Britannic Majesty's Ship "Calliope,"
Rio de Janeiro, 14th June, 1838.*

SIR,

I HAVE to acknowledge the receipt of your communication of the 12th instant, relative to the correspondence concerning the slave-vessels captured by Her Majesty's ships, and now in this port; and as it appears that my representations and requests have been received in a spirit which neither their tenor nor purport was intended to convey, or will bear out, I owe it to myself, both as a public and private character, to disclaim anything like personality, or approaching to a reflection, either collectively or individually, towards the Mixed Commission Court; for I could not have the slightest interest in those vessels or their cargoes, beyond the feeling incident to my situation as the Senior Officer, in whose charge they were left, and the anxiety for the liberation of all parties concerned, that the officers and crew might be enabled to rejoin their ship in England, and be satisfactorily accounted for to the Admiralty, free from reflection or reproach.

With respect to the warm clothing for the blacks, I must say it is the first intimation I have had of such request, without it was made in the Portuguese language, of which I have repeatedly stated my entire ignorance; but had I been brought acquainted with the necessity of such a measure, necessary as it must be, I am not prepared to say how I, in my official capacity, could give an order to that effect, and am disposed to think a suggestion from the Mixed Commission Court to the Agent for these vessels, would be the most eligible line of proceeding, and be immediately attended to.

I have to acknowledge the tender of the translation of the several documents in question; but as they are to be transmitted for the information of Her Majesty's Government, reference can always be had to them in England, should circumstances hereafter render it necessary.

I have, &c.

To Sir G. Jackson, &c. &c. &c.,
Rio de Janeiro.

(Signed)

T. HERBERT, Captain.

Twelfth Enclosure in No. 109.

Captain Herbert to Sir G. Jackson.

*Her Majesty's Ship "Calliope,"
Rio de Janeiro, 15th June, 1838.*

SIR,

SINCE my letter of yesterday's date, respecting the recommendation of the Judges of the Mixed Commission Court to have clothing supplied for the blacks on board the captured slavers now in port, I have seen Mr. Stevenson on the subject; and directions are given for the necessary clothing being supplied.

I have, &c.

To Sir G. Jackson,
&c. &c. &c.

(Signed)

T. HERBERT, Captain.

Thirteenth Enclosure in No. 109.

Sir G. Jackson to Captain Herbert.

SIR

Rio de Janeiro, 16th June, 1838.

I HAVE to acknowledge the receipt of your two letters of the 14th and 15th instant, the latter stating that directions are given for the necessary clothing being supplied for the blacks: this communication I have not failed to lay before my Brazilian colleagues.

With regard to the former, I shall not take up either your time, or my own, with any other observations upon it, than that the course you suggest had been more than once taken by me, prior to the application to you, from the Court, on the subject; namely, recommending, in the strongest manner, the necessity of the measure to Mr. Stevenson, who assured me, in reply, that he had spoken to you respecting it.

I am happy to learn from you that the impression made upon the Court, by the tenor of your previous communications, was not intended by you. How far their nature will "bear out" that impression, I leave to higher authority to decide, should circumstances hereafter render it necessary.

I have, &c.

Captain Herbert, R.N.,
&c. &c. &c.

(Signed)

GEO. JACKSON.

Fourteenth Enclosure in No. 109.

Sir G. Jackson to Captain Herbert.

SIR,

Rio de Janeiro, 26th June, 1838.

THE accompanying representation was made to the Court on the 23rd instant. For the reasons stated by them, they refrained from considering it at all; but, as it will be the duty of the British Commissioners to transmit the same for the information of Her Majesty's Government, together with the letter from Mr. Armitage to Lieutenant Bower, of the 21st instant, submitted to the Court at the same time by Mr. Stevenson, I think it right that you should be apprised of the circumstance, and only fair to those officers that they also should be informed thereof. I therefore, according to your desire, conveyed to me through Lieutenant Bower, forward, for your information, through Mr. Stevenson, a copy of the representation in question.

I have, &c.

Captain Herbert, R.N.,
&c. &c. &c.

(Signed)

GEO. JACKSON.

Fifteenth Enclosure in No. 109.

Mr. Armitage to Lieutenant Bower.

SIR,

Brig "Cesar," 21st June, 1838.

I BEG leave to state, for your information, that, on mustering the negroes belonging to this vessel this afternoon, I found two missing. From signs made by the men that Cook and ——— otherwise have charge of the rest, it appears that, on the night of the 20th instant, a canoe came alongside, on a signal being made by one of the prisoners, and the two missing boys were by him handed into her, while the sentry's attention was engaged in relighting his lamp, or looking out abaft. From previous bad conduct, my suspicions rest on Joaquim Nato, whom, with the rest of the prisoners under my charge, I have ordered to be placed for the present in irons.

I have, &c.

(Signed)

WHALEY ARMITAGE.

To Lieutenant Bower, &c. &c. &c.,
Commanding Her Britannic Majesty's brig "Wizard."

Mate in charge of "Cesar" brigantine.

No. 110.

Her Majesty's Commissioners to Viscount Palmerston.—(Received September 7.)

MY LORD,

Rio de Janeiro, 30th June, 1838.

The last Despatch, prior to that of the 18th of April of this year, received from your Lordship, on the subject of embargoes, was dated 22nd October, 1836, and was construed by us, we regret to perceive, erroneously, into a tacit, although reluctant, acquiescence in that practice.

We have, as your Lordship knows, uniformly objected to the admission of embargoes, as being contrary to the spirit of the convention; but, under the above mistaken impression, we considered that, as expressed in our minutes of the 28th of May, we had no alternative but to give, *pro hac vice*, and until the receipt of the ulterior instructions, a provisional consent to the admission of embargoes, in the case then before the Court; but on the receipt of your Lordship's abovementioned instruction, we lost no time in submitting to our Brazilian Colleagues a representation on the subject, a copy of which, in original

and translation, we have the honour to enclose herewith, and which, we trust, will meet the approbation of your Lordship.

This representation entered on our minutes of the 20th of June, has been laid before the Imperial Government; and, though we do not venture to anticipate their acquiescence, it will, at least, have this good effect, that the point will be fairly brought to issue, and that our colleagues will perceive, that, fortified by the positive instructions of your Lordship we can no longer entertain even the question of embargoes.

There is another point, besides that of embargoes, and of the intervention of holidays, which, as having the same tendency, we have taken the opportunity of introducing into our representation, although not adverted to, because not contemplated by your Lordship, namely, the hinderance resulting to the business of the commission from the liability of the Brazilian Members and subordinate officers to be called upon to serve on juries, in the National Guard, &c.

This, as we had the honour of reporting at the time, has more than once produced considerable inconvenience and delay; but a still more material impediment, because of constant operation, is the plurality of offices held by the two most effective members of the Commission, viz., the Commissary Judge, and the Registrar: the former, as your Lordship is aware, is under Secretary of State of the department of justice, and the other is a member the Board of Commerce. It is but justice to repeat, that both these gentlemen are disposed to make every personal exertion, to prevent the business of the Commission suffering from this circumstance; and, as regards the former, it is, perhaps, counter-balanced by the facilities which his situation as under Secretary, enjoying, as he does, the confidence of every successive Minister, affords him, and of which he is ever forward to give the commission the benefit, for expediting those frequently recurring references to the different departments of this Government, which its proceedings require; and which, were the post of Commissary Judge held by one unconnected with the executive, would produce yet greater delay and embarrassment.

Still, however, it is no less evident that, with every disposition on their part, the general business of the commission cannot proceed with the same promptitude and despatch, as if they could devote their whole and undivided attention to it, and, whatever advantage may, in fact, be derived from the above circumstance, it is impossible to regard, in any other light than as an indication of the lukewarmness of this Government, in their Slave Trade engagements with Great Britain, this nomination of two individuals, who, however eminently qualified, as they are, for the due performance of their respective functions, are still rendered physically incapable by their other duties, of giving that prompt and uninterrupted devotion to the commission, which the main object of those engagements require.

Any change, however, in this respect, can be effected only by direct representation from your Lordship, to whose intervention and good offices, we must also look for other reforms in the system hitherto pursued, no less indispensable to give the commission the requisite efficiency.

On this occasion, we beg leave, my Lord, to recapitulate the principal points, where alteration appears to us to be essential.

First and foremost is the circumstance, that this Court is not the executor of its own sentence; but that such sentence, whether as regards the disposal of a condemned vessel, or of the emancipated slaves, is subjected to the slow process and interminable formalities, attending all legislative and judicial acts in a country proverbially dilatory and procrastinating.

This defect takes off materially from the weight, which, as a court, the commission ought to have—causes considerable delay, not unattended, we fear, with malversation, and loss to both Governments, and as regards the penalties incurred by parties, renders its sentence nugatory.

Secondly, and this is a point where the sufferings of the unfortunate Africans are deeply interested, we would urge the absolute necessity of a British Hulk being stationed in this harbour, for their reception, pending adjudication. The Imperial Government consented, in their note to Mr. Hamilton, of the 22nd of March 1887, to consider any "special requisition," which might be made to them for this object; but even should they agree to it, the blacks would scarcely be safer under the Brazilian custody, afloat, than on shore, and

the too probable result of such an arrangement would be the loss of a great part of them. The evils resulting from their continuance on board the slave vessels are too well known to your Lordship to need enumeration; and they have indeed, unfortunately, been fearfully confirmed in the recent cases.

Thirdly, we would submit, that the distribution, superintendence, and control of the Africans emancipated by the commission, should, so long as they remain in this country, be vested in that body. At present, its concern in the liberated negro ceases with the signature of the ticket of emancipation; and it has no power to recommend, much less to select, or to interfere with in any way, the persons to whom the negro is nominally hired out as apprentice; whereas, it surely ought to be the duty of the commission to take the whole of that responsibility, as well as of the due collection and appropriation of his wages, on itself.

To the want of this precaution may be ascribed the return to slavery of a large portion of those emancipated, and the various frauds and abuses, such as simulated deaths, &c., so easily and frequently practised under the present system.

In recommending this alteration, we are fully aware, my Lord, of the very invidious and irksome duties which it would entail on the Commissioners; but we are convinced that it is the only course which affords a chance of securing the welfare of the emancipated negro. In fact that security, in a country where slavery is so deep-rooted, and so pertinaciously adhered to, as in Brazil, is at best, very problematical; and on this part of our subject, we would venture to suggest, as a far preferable measure, the transportation of the liberated African to any of Her Majesty's colonies, which may now be feeling the want of hands for agricultural purposes.

Under this, and the preceding head, is of course included the necessary arrangement for the medical treatment, food and clothing of these wretched beings, (the want of all which has been the subject of so much complaint in case of the "*Flor da Loanda*,") who by the present system are exposed to far greater hardships, than would have been their lot had their safe landing by the importers been effected.

Fourthly. A point which, though of secondary, is yet by no means of inconsiderable, importance, is the nomination of the subordinate officers of the Commission, which we think should vest with the Commissioners. At present it is, like everything else in this country, a mere object of patronage; the consequence is, that persons are appointed who, from age and infirmities, are utterly inadequate to their duties, and who, moreover, from their independence of the Court, yield but unwilling and very unsatisfactory services.

Fifthly. The last point, my Lord, which we have to mention we approach with all that deference, which our knowledge of your Lordship's decision respecting it demands; but we should be wanting in our duty, if we did not beg leave again to bring it under your consideration, convinced as we are now by experience, of the inconvenience arising out of the change effected, in obedience to your Lordship's Instructions, as well as of the increased expense with which, should fresh cases occur, it will be attended. We allude to the suppression of the offices of Interpreter and Marshal. In reconsidering this subject we respectfully beg your Lordship to bear in mind, firstly, as regards the Interpreter, that the Convention requires that the proceedings of the Commission be carried on in the language of the country where it resides; and that, consequently, the intervention of such an agent is necessary to legalise various acts and documents, even where his aid as Interpreter might otherwise be dispensed with. And, secondly, with reference to the Marshal, that the customs of this country require the special agency of such an officer, duly sworn, in each of the several Courts of Justice, in every stage of their proceedings, and at every step. Without him no summons is legal, no notice is valid; the consequence has been that, in the cases recently under adjudication, it has been necessary to borrow the services of a Marshal from a Brazilian Court, and to pay him, at a high price, for each separate citation or act which the course of the proceedings called for. Nor was this the only evil, for, not being dependent on the Court, and having other more profitable calls upon his time, he was rarely to be met with when wanted, and thus reiterated delays and disappointments have ensued. We may add that, at the first institution of the Mixed Commission, its proceedings were suspended for want of those subordinate

officers, and that the remuneration, in this country, for all incidental or casual, as opposed to fixed and permanent, employment, is so great, that, if there should be only a few more cases in the course of this year, the amount of the disbursements for the Interpreter and Marshal, *ad hoc*, would exceed the annual salary that was awarded to those officers.

Our original instructions on this head referred to the precedent of Sierra Leone, and directed that these expenses should fall on the parties, captor, or captured, as the case might be. The Mixed Commission, however, here, is without any authority to enforce such an arrangement, nor is the Brazilian branch of it prepared to act upon that principle. The only course, therefore, which can, for the present, be adopted, is to deduct these disbursements in each individual case of condemnation, from the proceeds divisible between the two Governments; and, when condemnation does not ensue, to charge them in the account of the contingent expenses of the Commission.

We have, &c.

(Signed)

GEORGE JACKSON.
FREDERICK GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 110.

(Translation.)

Extract from Minutes of the Court 20th June, 1838.

THE British Commissary Judge referred to the minutes of the 28th May last for the reason which induced him to agree to the admission of the "embargoes" offered to the sentence of the Court in the case of the first of the three prizes now under adjudication, viz., his being, up to that date, without those definitive instructions relative to the practice, heretofore observed, of receiving such embargoes, which he had every reason to expect from the declared sentiments and feelings of his government on the subject.

In the propriety of this course he was the more confirmed from the pledge given by the Imperial Government, under date of the 22nd of March, 1837, to the minister of her Britannic Majesty at this Court, to bring the question before the legislative body; but that pledge remaining yet unredeemed, and the British Commissioners having now received the most positive orders from their government no longer to acquiesce in the practice in question, they hasten to inform the Brazilian Commissioners thereof, and thus early and formally to record on their minutes the impossibility of their concurring in the reception of embargoes in any future case whatever which may come before the Court, and to invite their colleagues to join with them in giving that interpretation to the first article of the regulations, which their colleagues cannot but recognise as the true one, and as that which the high contracting parties to the treaty had in view at the time of its signature.

By the practice of embargoes, in other words a re-hearing, which must be considered, at least to some extent as being in the nature of an appeal, an opportunity is expressly allowed for a reversal of the sentence, and a principle is thereby admitted in direct contravention to the regulation, the evil consequences of which, if we take only, as an example, the recent cases before the Court, without reference to the inconveniences which might accrue to the respective governments, are too evident and of too great magnitude to need any further argument to show the justice and the necessity of the proposed alteration.

There are two other points, tending to the same object, and scarcely less important, which the British Commissioners are also instructed to bring under the consideration of their colleagues. They are, first, the interruption of business by the intervention of holidays; secondly, the liability of the Brazilian members and officers of the Court to be called upon for whatever other public services they are required to perform as Brazilian citizens.

In these several instances a delay is produced inconsistent, with the intent of the conventions under which the Court sits, highly prejudicial to the interests of the captor and of the captured, as well as detrimental to the service, and extremely injurious to the unfortunate negroes, whose prompt release is one of the main objects of the treaty.

It is with a view to obviate the delays by which the business of the Commission has thus been hitherto retarded, that the British Commissioners are instructed to urge those points upon the serious consideration of their colleagues, and they do so with the more confidence, as in the case of juries no holidays are allowed in this country, and as the conventions, together with the several legislative enactments arising out of them, must be considered to supersede the previous laws both of Great Britain and Brazil, as far as those engagements are concerned, and the legality of the proceedings of the Mixed Commission does not therefore depend upon the conformity of such proceedings with the general laws of Brazil, but properly upon their conformity with the conventions under which the powers of the Court are given.

Part of the measures now proposed by the British Commissioners, they are aware, may require reference to the Imperial Government, or even the legislature; but the question of the observance of holidays is, they presume, within the immediate competence of their colleagues to decide at once, and they are too well aware of the sentiments of humanity by which the Brazilian Commissioners are actuated, to doubt of their readiness to make any personal sacrifice where its interests are concerned, or, consequently, of their willingness, in the few instances where such days may occur, to continue the sittings of the Court, agreeing, mutually, to some formal act, should such be necessary, to legalise its proceed-

ings and to give the same validity thereto, on 'Saints' days as on any others, a decision which has long since been acted upon by the British and Spanish Mixed Commission resident at the Havana.

The Brazilian Commissary Judge replied, that, not being competent himself to decide upon the points referred to, he would lay the whole before his government.

(A true copy.)

(Signed)
BRAN MARTINS COSTA PASSOS, Secretary.

(A true translation.)

JOHN BAPTIST COSMELLI,
Interpreter *ad hoc* to the Mixed Commission.

No. 111.

Her Majesty's Commissioners to Viscount Palmerston.—(Received September 7.)

MY LORD,

Rio de Janeiro, 9th July, 1838.

WE have the honour to enclose herewith, in original and translation, the sentence of the Court, delivered on the 25th ultimo, in case of the brig schooner "*Brilhante*," the detention of which, under Portuguese colours, by Her Majesty's brig "*Wizard*," was referred to in our despatch of the 21st May, 1838.

We are compelled, as well by press of other matter, as by the present suspension of the execution of this sentence, to defer to another opportunity the transmission of our report of the case, and of other documents connected with it.

From the details, however, into which the sentence itself enters, your Lordship will be at no loss to comprehend the merits of the case; and from the separate vote of the Brazilian Commissary Judge, annexed thereto, you will understand, that he did not concur in opinion with her Majesty's Commissary Judge, in regard to the national character of the vessel; and, the second signature to this sentence being that of the British Commissioner of arbitration, that recourse was had to that alternative, the lot falling on that gentleman, who agreed with his immediate colleague in decreeing, on the grounds stated in the sentence, the confiscation of the vessel, and the emancipation of the slaves, adjudging, also, certain Brazilian citizens, implicated in the transaction, to have incurred the penalty of piracy.

Our succeeding number will put your Lordship fully in possession of what has hitherto occurred in this case, relative to the question of embargoes.

The separate vote of our Brazilian colleague will show the grounds on which he places it, the principle of which is that the Portuguese decree, regulating the mode of nationalizing Portuguese vessels was not known, or not enforced, at Loanda, at the time of the "*Brilhante*" leaving that port, and that the circumstances from which Her Majesty's Commissioners inferred Brazilian agency, if not ownership, although affording strong presumptions, were yet insufficient as proof.

On this point it is, principally, that whatever difference of opinion may arise between the Imperial and the British Commissary Judges in the sentence to be pronounced will generally be found to rest; the former being disposed to require positive and undeniable proof; the latter thinking, from the very nature of the inquiry, that strong presumptive evidence is sufficient to justify condemnation.

With regard to the Portuguese decree, the British Commissary Judge declared, unhesitatingly, his opinion that the fact of it being in operation at Loanda, or elsewhere, at the departure of any vessel, was not requisite; that it sufficed to know that its full promulgations had taken place in the capital, and had been communicated to the respective authorities in the other parts of the Portuguese dominions, and that the obligation of any vessel, claiming to be considered as Portuguese, to observe the same did not depend upon the obedience, or non-obedience, of those to whom its execution was intrusted.

Your Lordship will observe that this separate vote bears date the 15th, and that the sentence to which it appears to be a reply, is dated the 25th June. The fact is, however, that it was not formally presented till that date, the grounds of the intended sentence having been collected by our colleague from the previous discussions which took place between us, and the interval having passed, first, in obtaining the attendance of the Brazilian Commissioner of

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arbitration, who was at the time indisposed, and, next in the process of arbitration, and the final drawing up of the sentence.

This, as will be seen, was signed by our colleague, as "dissentient as regards the national character of the vessel," thereby leaving to be inferred, not only—as expressed in his separate vote, which forms, in fact, no part of the sentence—his presumption, or belief, that the Africans on board the "*Brilhante*," were intended to be landed on the Coast of Brazil, and that she had been employed for the last two years in the traffic; but that the Brazilian citizens found on board had, in this voyage at least, been so likewise.

We urged him to let his concurrence of opinion with us, in these particulars, appear at the foot of the sentence, in the same way as his difference of opinion on one only point, was recorded; but this he declined, and contented himself with entering his separate vote on the Minutes.

We have, &c.

(Signed)

GEORGE JACKSON.
FREDERICK GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 111.

(Translation.)

Sentence.

FROM the examination of these proceedings, it is seen that this vessel, originally called "*Valeria*," is of North American construction; that she was sold on the 21st May, 1836, by an American House in this city, to an individual named José Vieira de Mattos, declared to be a subject of Portugal, and residing at Rio de Janeiro, which latter fact appears, as well from the bill of sale itself, as from a certificate given by the United States Consul here, in which he is further described as a merchant; both these papers being offered on behalf of the claimant; that, in July, 1836, having complied with the several forms required by the Portuguese authorities here, her name being changed to "*Brilhante*," she sailed with a passport from the Portuguese minister Plenipotentiary at this court, for an *outward voyage only*, to Angola and Benguela, nothing appearing to prove her employment in the interval between that date and her being despatched in April, 1838, *in ballast*, with a passport from the Governor of Loanda for Rio de Janeiro and Moçambique; that on the 13th May she was detained in latitude 23° 8' 6" S. longitude 44° 46' W. by Her Britannic Majesty's brig "*Wizard*," with a cargo of 250 Africans, who were taken on board at Loanda; that she was not provided with the register, required to constitute her Portuguese, by the maritime code of Portugal, nor was she, *in fact*, commanded, as will be seen presently, by a native of that country; an essential which, even when the traffic was partially allowed, was indispensable to exempt any vessel, having slaves on board, from capture, under the Treaties between Great Britain and Portugal.

Considering the neglect of this vessel to comply with the maritime code of Portugal, the obligations of which must be deemed as being fully known at Loanda, inasmuch as they have been successively confirmed and enforced by various orders and circulars from the different departments of that Government, from the 16th January, 1837, down to the publication of the last, dated the 2nd March, 1838, on the departure of a new Governor for the Islands of St. Thomas and Princes, as well as the discrepancy observable between the number borne on her muster-roll and that actually on board, and, further, the change of master in violation of the *provisional* register granted by the Portuguese Consul in 1836, it is evident that the "*Brilhante*" cannot be recognised as a legally nationalized Portuguese vessel; but had the case stopped here, it still might be argued, that, though stripped by these failures, of all just pretensions to be so considered, yet there is nothing in the above circumstances to justify her being dealt with as Brazilian.

From papers, however, found on board, it is further proved that three brothers, native Brazilians, of the name of Correa, who left Rio de Janeiro in January last, with passports as such, for Itaguahy, sailed from Dous Rios a few days later for Angola; that one of the brothers was immediately dispatched for Ambriz to collect slaves; that a second, João Antonio Correa, not only received a letter from thence, directed to him by that same brother as captain of the "*Brilhante*," but that he himself, in giving a list of clothes for the wash, and desiring others to be sent to him with the account of the whole, in order to its being paid, actually signed himself captain of the "*Brilhante*," which signature he acknowledged in his deposition to be his own hand-writing; that this individual (as well as the third brother rated as carpenter) returned from the coast in this vessel, under the assumed character of passenger, bound for Rio de Janeiro; and that another person, Francisco Antonio dos Santos, calling himself a subject of Portugal, and who accompanied the three Correias from hence to Itaguahy in January, is also found on board of this vessel, rated as mate.

The simple fact of the "*Brilhante*" having a passport for Rio de Janeiro, affords, of itself, a strong presumption that this transaction is essentially Brazilian, but, coupled with the several circumstances above enumerated, it leads to the almost inevitable conclusion that the "*Brilhante*" (already shown to have no passport or other document, by which her employment in July, 1836 to April, 1838 can be proved,) has in the interval been constantly carrying on the trade with certain Out-ports of Brazil, such Itaguahy, or Dous Rios, where, from the non-existence of a regular Custom House, greater facilities for fraud may, perhaps, exist; and that this vessel, last from Angola and Ambriz, under the real command and direction of the Correias, and not of the pretended master, Antonio Jorge da Costa (who admits in his deposition that he had never passed an examination as pilot, nor received a certificate as such) is the identical vessel in which these parties sailed for those ports in January last from this coast, in confirmation of which, we find among the papers on board a protest, ready drawn up for

signature, declaring her to be on the 19th January, 1838 in latitude 32° 40' longitude 40° 21' W., and to have sailed from Loanda on the 25th November; as also a letter from Josefine Antonio Correa, dated Dous Rios 17th January, 1838, in which he speaks of their being about to sail for Ambriz, and from thence back again to Dous Rios.

It is true that João Antonio Correa denies having been at Dous Rios at the period stated, asserting that he has resided constantly at Angola since 1835; but the falsehood of this statement appears, not only from the aforesaid letter, but was admitted, though after much prevarication, by the other brother.

To this denial therefore the Commissary Judges cannot give the slightest credit; and far from considering the inference which they draw from the several facts of this case, as above stated, as to the real character of the transaction and the criminality of the parties, as destroyed thereby, they deem it only a confirmation of the perjury and frauds practised in this and similar instances; and, without stopping to ascertain where the actual residence of the reputed owner of this vessel may be, now represented as at Rio de Janeiro, now at Angola, the Commissary Judges hesitate not to pronounce the three Brazilian citizens, José Miguel Correa, João Antonio Correa, Josefino Antonio Correa, to have incurred the penalties imposed by the first article of the convention of the 23rd November, 1826; adjudge the "*Brilhante*" to be a good and lawful prize to Her Britannic Majesty's brig "*Wizard*;" condemn the vessel and her appurtenances; and decree the Africans on board, to the number of 245, to be emancipated and placed at the disposal of the imperial government: the whole in virtue of the additional convention of the 28th July, 1817, and of the convention of the 23rd November, 1826, in conformity with the seventh article of the regulation annexed to the former.

At Rio de Janeiro, 25th June, 1838.

(Signed)

GEORGE JACKSON.
FREDERICK GREGG.

JOAO CARNEIRO DE CAMPOS,
Dissentient as to the national character of the brig in question.

(A true translation.)

JOHN BAPTIST COSMELLI,
Interpreter *ad hoc* to the Mixed Commission.

No. 112.

Her Majesty's Commissioners to Viscount Palmerston.—(Received September 14.)

MY LORD,

Rio de Janeiro, 10th July, 1838.

IN our Despatch of the 20th June, we had the honour of enclosing the copy of a representation which we submitted to the Court, on the receipt of your Lordship's Despatch.

On the 5th instant, the Brazilian Commissary Judge presented a "*portaria*," in reply, a translation of which we have the honour to subjoin, together with the original, directing the continuance of the practice of embargoes, "as no other reason is offered for the proposed alteration than those previously given;" and embargoes having been presented in the interim, to the sentence against the "*Brilhante*," he required the Court to proceed to their examination.

For the course pursued by us, in consequence, we beg leave to refer your Lordship to the enclosed copy of an official letter, which we have addressed to Her Majesty's Chargé d'Affaires, to which we should add that the Brazilian Commissary Judge referred to the "*portaria*" sent to the Commission, in 1821, in the case of the "*Emelia*" (alluded to in our No. 12), declaring that the sentences of the Court must pass through the Chancery.

This determination, which had never been contested by the British Government, necessarily, he said, implied the admission of embargoes, inasmuch as no sentence could be passed by that authority for execution, to which a certificate was not appended, to the effect either that no embargoes had been offered within the prescribed term, or that, on examination, they had been rejected.

Of this latter "*portaria*" we have the honour to enclose an extract, with its translation.

This and various other arguments, derived from the delay and responsibility which we should incur by persisting in our opposition, were urged by our colleague to induce us to admit, even if under protest, the embargoes in the case of the "*Brilhante*," and the language he held, assuming, as a matter of course, that the British Commissioners were to be regulated by the instructions which he had received, was stronger, and more peremptory, than we remember him to have held on any previous occasion; declaring, not only his determination to enter a formal protest against our refusal and its consequences, but also his belief that the Imperial Government would not allow of such an opposition to their decision.

Though, as we remarked in our reply to such observations, there exists nothing on the Minutes of this Commission to show, that the British Government ever acquiesced in a determination, against the spirit of which it has, on

the contrary, so repeatedly protested, still it must be allowed that silence on the subject, for so long a time, after that determination was officially communicated, does afford an argument in favour of the continuance of embargoes, which the Brazilian Minister will, no doubt, make the most of.

This consideration, and the language above reported, suggested to us the expediency of giving, as a means of avoiding collision on a point, the discussion of which might be attended with much embarrassment, the turn we have given to our representation, rather than to ground it more expressly on instructions from your Lordship; and waiving, at least for the present, the question of holidays, an alteration which, perhaps, would require an Act of the legislature, to ask for the exclusion of embargoes, as depending solely on the interpretation of an existing law, and which, we presume, to be fully within the competence of the executive.

We have the honour to enclose a copy, in original and translation, of our proposed representation, which, subject only to the contingency mentioned in our letter to Mr. Ouseley, we shall enter on our Minutes, as soon as we shall receive that gentleman's reply.

The Imperial Government, in rejecting the proposal which, in obedience to your Lordship's instructions, we submitted to our colleagues, to hold our sittings on holidays, as well as on other days, speaks, as your Lordship will observe, of a special exception in their Criminal Code process with respect to juries. This exception we had quoted as a precedent, in the hope that it might be admitted. But, as they have decided in the negative, we do not see how we can press this point, without further orders from your Lordship. Indeed, at present, the concession would be of advantage, rather as a matter of principle, than as producing any essential practical result; and to re-urge it now might endanger the success of the more important object of the exclusion of embargoes.

We have, &c.
(Signed) **GEORGE JACKSON.**
FREDERICK GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

First Enclosure in No. 112.

(Translation.)

PORTARIA.

THE Regent *ad interim* in the name of His Majesty the Emperor, in conformity with the opinion of the crown, given respecting the despatch addressed to me by you on the 27th ultimo, on the subject of the objection made by the English Commissary Judge, has been pleased to determine that, no reason for the required alteration having been offered anew, other than that presented in the session of the 2nd August, 1836, namely, the stipulation of the eighth article of the convention of the 28th July, 1817, and of the first article of the regulation of the same date, which forbid any appeal from the sentences of the Commission in which, by a too extended interpretation, it is sought to include the prohibition of embargoes, it is not proper to revoke what the Imperial Government decided in this respect, in the despatch addressed to you on the 11th of the same month of August, 1836, the practice of admitting embargoes to the sentences of the Mixed Brazilian and British Commission being consequently to stand.

With respect to the second objection, it being contrary to the general rule of Brazilian law, which renders null all acts and judicial proceedings done on holidays, and there being no express stipulation in the convention which established an exception, as there was in the code of criminal process respecting the sessions of juries, the transacting of business on holidays cannot take place by the mere will of the Commissioners, who can never give validity to that which the law annuls. The which I communicate to you for your information and in order to its execution.

Palace, 5th July, 1838.

(Signed) God preserve, &c.
ANTONIO PERGO. MACID MONTEIRO.

(A true copy.)

(Signed) **BRAN MARTINS DA COSTA PASSOS, Secretary.**

(A true translation.)

JOHN BAPTIST COSMELLI,
Interpreter *ad hoc* to the Mixed Commission.

Second Enclosure in No. 112.

Her Majesty's Commissioners to Mr. Ouseley.

SIR,

Rio de Janeiro, 9th July, 1838.

You are already in possession of the representation which, in consequence of Viscount Palmerston's recent instructions, we submitted to the Court on the 20th ultimo.

On the 5th instant the Brazilian Commissary Judge presented the enclosed "Portaria" in reply; declaring, at the same time, in very positive terms, his determination to act up to it, as also his expectation that Her Majesty's Commissary Judge would equally concur therein.

After much discussion between the two Commissary Judges, in which the Brazilian insisted on the exact observance of the "Portaria," and the consequent immediate admission of the embargoes, offered to the sentence of the Court in the case of the "*Brilhante*," and the British reiterated his objections, both to the practice in general, and to the admitting it as regards that vessel, the former declared that if the opposition were persisted in, he should at once enter a formal protest, exonerating his government from all the consequences of a delay which might become indefinite, for that, without the admission of embargoes, no judge would be found to execute the sentence, and the vessel, and the Africans on board, must thus necessarily remain *in statu quo*.

The instructions of Viscount Palmerston being most positive, Her Majesty's Commissary Judge prepared the paper, a copy of which is subjoined, for presentation; but considering the great inconvenience of every kind, and to all parties, which would result from the postponement of the final decision respecting the "*Brilhante*," as also the mischief which might ensue to the cause which the British government and nation have so much at heart, from indisposing the Imperial Government to that cause more than it is already, by any abrupt procedure on the part of the British Commissioners, we have thought it advisable to suspend the official presentation of this paper, which has, however, been read confidentially to the Brazilian Commissary Judge, and to inform you exactly how the matter at present stands, in the hope that it may be in your power, in your communications with the imperial authorities, to induce them to alter their decision.

Should you, however, find this impracticable, Her Majesty's Commissary Judge will feel it to be his duty to enter this representation on the minutes, and to regulate his conduct in conformity thereto, unless officially requested by you to follow a different course.

We have the honour to be, &c.

(Signed)

GEORGE JACKSON.
FREDERICK GRIGG.

W. G. Ouseley, Esq.
&c. &c.

Third Enclosure in No. 112.

(Translation.)

Extract of a Portaria addressed to the Mixed Commission, dated 28th August 1821, by Senor Pedro Alvarez Deniz.

HAVING laid before the august presence of the Prince Regent, together with the sentence pronounced by the Mixed Commission in the case of the schooner "*Emilia*," taken by Captain William Finlaison, on account of her having been found engaged in the illicit traffic of slaves, the despatch addressed to me by you on the 18th instant, stating the reason why the said Commission judged that that sentence should not pass through the Chancery, Her Royal Highness has ordered me to inform you that, in order to its execution, the said sentence must pass through the Chancery as established by law.

The which I communicate to you, remitting to you the sentence, for you make it known to the same Commission.

A true Extract. *Mixed Commission Rio de Janeiro, 7th July, 1838.*

(Signed) BRAZ MARTINS COSTA PASSOS, *Secretary.*

A true Translation. JOHN BAPTIST COSMELLI,
Interpreter ad hoc to the Mixed Commission.

Fourth Enclosure in No. 112.

(Translation.)

THE British Commissary Judge having maturely reflected on the "Portaria" presented on the 5th instant by the Brazilian Commissary Judge, can only repeat how impossible it is for him to desist from his previous declarations of the 2nd August, 1836, and 28th May, and 20th June last, on the subject of embargoes.

It is unnecessary to assure his colleague, that in coming to this conclusion he has given every possible attention to the arguments and representations adduced by him. And he needs hardly disclaim any intention of failing in the respect due to that "Portaria," still less to the august source whence it emanates. But it is in that very "Portaria" that he finds the authority for the step which he is now about to take.

It is true that the recent instructions from his Government confirm and give the fullest sanction to the opinion, which from the moment of his instalment he has never ceased to entertain, respecting embargoes, namely, that they are contrary both to the spirit and to the letter of the convention; but, invested as he is by his Sovereign, as well as virtually by His Imperial Majesty, from the moment that His Majesty deigned to recognise him as British Commissioner, with special powers and authority, given specifically for certain purposes, the decision of which is intrusted to him under the solemnity of an oath, he is bound to look to a higher sanction than the decisions or instructions of either Government (to which he otherwise owes the greatest respect) in the discharge of his functions, so long as such delegation shall be unrevoked.

In this point of view it is that he can take for his guide only the convention and its annexes, and thus it is that he invokes in his justification the before-mentioned "Portaria" of the 5th instant.

That paper gives as a reason for not agreeing to a proposal, which, as being very conducive to the main object of the convention, he was instructed to propose, that it was not conformable to the Treaty. He, therefore, abstained from urging it, however salutary such measure appears to him to be. But

that same respect, which he owes to the convention in one point, forbids his deviating from it in any other.

By the express terms of the convention, all appeal from the sentence of the Commission, which is declared to be final, is precluded.

The 8th Article of the convention, and the 1st of the regulations, are not the only ones which determine this point.

The 6th Article of the regulations declares expressly—

"As soon as sentence shall have been passed, the detained vessel, if liberated, shall be restored."

Now, unless it be argued, that without appeal there can be no sentence, this last provision is alone sufficient to exclude the resource of embargoes.

The jurisdiction derived from these stipulations may, or may not, be at variance with the ordinary legislation, either of Great Britain or Brazil.

Into this question the Commissioners, having only delegated powers, are prohibited from entering.

In the same way as the Alvara of 1818, promulgated in fulfilment of the stipulations with Great Britain, rescinds any decision which may be at variance with it, notwithstanding the law to the contrary, so the convention, the execution of which is confided to them (the Commissioners,) the British Commissary Judge can consider only as a new law, invalidating and superseding any previous law of either country, so far as its provisions are concerned, and rendering any subsequent act of legislation inadmissible so long as it may remain in force.

So true is this, that this same Alvará, appointing the authority to be charged with its execution, in cases not brought before the Commission, decrees that parties in such cases are to be allowed to bring an appeal, according to the ordinance, while the instructions given to the same authority for carrying into execution the sentences of the Commission, make no mention of any resource whatever, adding on the contrary,—“and whatever the Commission may decide shall be carried into effect.”

Silence on this point is equivalent to its exclusion.

Whatever, therefore, may be the consequences of this determination of the British Commissary Judge, (and he is far from underrating those verbally referred to by his colleague,) that responsibility rests not on him.

The only points for his consideration are—

1st. Does the Convention, in any case, admit of an appeal from the sentence pronounced by the Mixed British and Brazilian Commission established in Brazil?

2nd. Is, or is not, the resource of embargoes, which is contended for, an appeal from such sentence?

The only question, then, is, What is an appeal,—whence its motive,—what its object?

Is not the one, dissatisfaction with the decision given? Has not the other in view its alteration or reversal?

Does not, in the Portuguese language, mischief without *appeal*, mean the same as mischief without remedy? To appeal, in the same language, is it not to have recourse to some other means?

The intervention of a different judge is not necessary to constitute an appeal. If it seek only the more enlightened arbitrament of the same mind, if discontented with a first decision, it asks only for its reconsideration by the same authority from which that decision sprang, it is not less an appeal, than if it were submitted to the judgment of another.

The question is not how far denial of the embargoes may be consistent with the rules of equity, nor whether a less summary course might not, generally speaking, and in ordinary cases, be more conducive to the ends of justice.

The sacred cause which these stipulations had in view is their best justification.

Without, therefore, stopping to examine this point, or the evils resulting from the practice of embargoes, subversive as it is, to the last degree, of the primary object which the high contracting parties had in view, the British Commissary Judge again asks, “Is the admission of embargo in the bond; if it be, however prejudicial such a resource may be, he should have no alternative but to admit it; if it be not, however calculated any other expedient might be to promote that object, it would equally, of necessity, be rejected by him.”

Such are the views of the British Commissary Judge. If he has refrained till now from acting up to them more decidedly, it has been only from a repugnance to insist too much on his own opinion, and still more from a hope that the Imperial Government, feeling, as well the importance of giving to the Convention the interpretation suggested, as that such interpretation would nowise offend either the national dignity or prejudices, would, of itself, have authorized its Commissioner to concur in a measure, the utility and propriety of which he himself acknowledges.

No. 113.

Her Majesty's Commissioners to Viscount Palmerston.—(Received September 14.)

MY LORD,

Rio de Janeiro, 11th July, 1838.

THE last price-current issued by Mr. Stockmeyer, whose reports, we know, are deeply interesting to the mercantile community here, from his having access to the best and most extensive local information, contains a new and important reference to the Slave Trade, which we beg leave to bring under your Lordship's notice. It shews not only the enormous extent to which that trade has reached, during the last five years, and still continues, but also that, “it is far beyond any apparent adequate utility, or the existing wants of the planters, as may be inferred from the comparatively little progress

in the production of the country, during that period, in which this trade has absorbed an enormous part of its substance."

We have, &c.

(Signed)

GEORGE JACKSON.
FREDERICK GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 114.

Her Majesty's Commissioners to Viscount Palmerston.—(Received September 14.)

MY LORD,

Rio de Janeiro, 11th July, 1838.

WE have the honour to transmit to your Lordship our report of the case of the brig, "*Brilhante*," condemned as Brazilian by the Mixed British and Brazilian Commission, on the 25th ultimo, and which it was impossible to prepare in time for the packet.

We annex also the separate vote, in original and translation, of the Brazilian Commissary Judge in this case, which for the same reason, did not accompany the sentence.

We have, &c.

(Signed)

GEORGE JACKSON.
FREDERICK GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

First Enclosure in No. 114.

Report of the Case of the "Brilhante."

THIS vessel was sold by an American house in this city, in July, 1836, to a subject of Portugal, of the name of José Vieira de Mattos, declared, in the bill of sale, to be a resident here, and, further, in a certificate from the Consul of the United States, to be a merchant of this city.

Having received a provisionial register from the Portuguese Consul at this Port, and having complied with the usual formalities, she sailed from hence in the same month of July, as a Portuguese vessel, under the command of Manoel da Rocha Miranda, for Angola, with a passport from the Portuguese Minister for the outward voyage only. From that time to the 13th May, 1838, the date of her detention in lat. 23° 8' 6" S., long. 42° 46' W., by Her Majesty's brig "Wizard," nothing certain appears of her employment. On that day she was sailing under Portuguese colours, and commanded by Antonio Jorge da Costa, who declared her to be bound from Loanda to Rio de Janeiro, thence to Mozambique, and having on board 250 slaves, shipped at Loanda.

She was furnished with a passport from the Governor at Angola, Manoel Bernardo Vidal, for a voyage to Mozambique, touching at Rio de Janeiro. In this passport nothing is said of the cargo, but a certificate from the same Sebastio Rodrigues de Moura, the pretended owner of the patacho "*Cesar*," recently condemned in this Court, declares her to be in ballast. On the 17th May the declaration of the captor, together with the ship's papers, were received and sworn to before the Court, and, the usual Monition having issued, according to the practice of this country, the examination of witnesses commenced.

The first witness,

Antonio Jorge da Costa, swore, that he is a native of Lisbon, and a subject of Her Most Faithful Majesty; that he is the Captain of the schooner "*Brilhante*," that he was appointed by the owner, Joze Vieira de Mattos, who resides at Angola, to take the vessel and Africans to Mozambique, touching at Rio, with orders to dispose of the latter as he best could at Mozambique, and that he had no intention of landing them here; that, though the vessel was despatched in ballast, he was nevertheless to embark the Africans, and that he, at that time, knew of no law of his country prohibiting such embarkation; that this is the first voyage he has made in this vessel; that he does not know whether it is the first she has made to Brazil, and that he is ignorant whether any one besides Joze Vieira de Mattos had any interest in her; that he came to this country in 1827-28; that he had sailed to other ports of this Empire and to Europe, but had never before been to the coast of Africa.

At the close of his deposition, this witness admitted the important fact that, though appearing as Captain, he had never passed an examination as pilot, nor received a certificate as such.

The second witness,

Francisco Antonio dos Santos swore, that he is a native of Oporto; that he is a subject of Portugal, and that he is Mate of the "*Brilhante*;" that Joze Vieira de Mattos is the owner, and that he believes, from having heard so, that he is a Portuguese, and established at Angola; that he was told the vessel was going in ballast to Mozambique; and that he only knew of the Africans on their being taken on board outside the bar, the night of sailing; and that he understood they were going to Mozambique, as Colonists.

This witness prevaricated much as to where he had been, and how engaged, for the last 11 or 12 years, when he first arrived from Portugal, denying specifically that he had been at Rio de Janeiro till now, any time this year; and, on a newspaper being shown to him, naming the smack in which he left this city for Itogoahy, on the 12th January last, in company with two individuals of the name of Correa, who were found with him on board the "*Brilhante*," he swore that he never made such a voyage, and knew nothing of the matter.

The third witness.

Jozefino Antonio Correa, a Brazilian subject, swore that he was a carpenter by trade; that he did not know who was the owner of the "*Brilhante*;" that he agreed with the Captain to come in her to Rio gratis, as carpenter, Mozambique being her destination, and that he knew nothing about the Africans.

This witness at first swore that he had not been in Brazil since 1835; but, on a letter being produced, dated Dios Rios (a village in the province of Rio de Janeiro), 17th January, of the present year, he acknowledged it to be his writing, and that he sailed from thence, with two other brothers mentioned in that letter, for Angola.

The fourth witness,

João Antonio Correa, a Brazilian subject, swore, that he lived by navigating; that he came in this vessel as passenger; that he did not know who was the owner, having made his agreement with the Captain; that the destination of the vessel was Mozambique, touching at Rio, and that he knew nothing of the Africans till they were taken on board; that he had no interest in them, nor did he know that any Brazilian subject had.

On a letter written to him by his brother, directed to "the Captain of the '*Brilhante*,'" being shown to this witness, he denied ever having received such a letter; said that his brother might write what he pleased, but that he was not the Captain; and, on further showing him the letter referred to in the preceding deposition, he denied the truth of its contents, and swore that he had resided constantly at Angola since the year 1835 till now.

The two brothers were then confronted together, when both persisted in their statements, the one again swearing that they were together at Dois Reis, and from thence sailed for Africa in January last; the other denying that he, until this voyage, ever left that coast since 1835.

The fifth witness.

José da Silva Saldanha, born at Lisbon, but a Brazilian subject, sworn, that he does not know who was the owner of the "*Brilhante*," having merely heard that he lived in Angola, and that the vessel was bound to Mozambique; that he came in her as passenger, and that he agreed for his passage with the Captain; that he knew nothing of the Africans till they were taken on board; that the sailors took care of them under the direction of the Captain, and that the Correias appeared to have no concern with them, nor the one who came as passenger, to have anything to do with the direction of the ship.

A claim was filed by the Captain Antonio Jorge da Costa, on behalf of the reputed owner José Vieira de Mattos, praying for her release as Portuguese property; in proof of which he offered the passport and other documents, both from the Portuguese and Brazilian authorities, with which she sailed from this port as soon as her purchase from an American house was completed.

The Brazilian Commissary Judge, paying but secondary attention to the facts above recited, tending to give this transaction an essentially Brazilian character, allowed the greater weight to the documents produced to shew that she was Portuguese.

On this point the Commissary Judges differed, and, recourse being had to arbitration, the lot fell on Her Majesty's Commissioner of Arbitration, who, on the 26th instant, concurred with the British Commissary Judge in a sentence of condemnation of the vessel, emancipation of the surviving slaves, to the number of 245, and a declaration that the three Correias, Brazilian citizens, had incurred the penalty of piracy.

This sentence the Brazilian Commissary Judge signed, "dissentient as regards the national character of the vessel."

Rio, 30th June, 1838.

(Signed)

GEO. JACKSON.
FREDERICK GRIGG.

Second Enclosure in No. 114.

(Translation.)

Separate Vote of the Brazilian Judge.

THE Brazilian Commissary Judge having differed in opinion from his colleague, the British Commissary Judge, in their decision of the proceedings relative to the brig schooner "*Brilhante*," captured by the English brig of war "*Wizard*," respecting the national character of that vessel, although agreeing with him as to the destination of the Africans found on board, finds himself under the necessity of stating the proofs on which he rested his non-conformity with those offered by his aforesaid colleague:—

1st. That this brig, formerly the "*Valeria*," belonging to the United States of America, was sold in this city to a Portuguese subject, José Vieira de Mattos, as is seen by the bill of sale, passed at the Portuguese Consulate, an authentic copy of which exists in the proceedings.

2nd. That the Consul afterwards proceeded to the necessary formalities on board, to enable this vessel to hoist the necessary Flag, and entitle her to be considered Portuguese, in order to her obtaining, in July 1836, as she actually did, from the Envoy Extraordinary and Minister Plenipotentiary of Portugal, resident at this Court, as well as from the Brazilian authorities, the proper passport and

other customary papers, to proceed on her voyage to the port of Angola, of which also there are authentic documents, as well as of the Provision Registry made in the Portuguese Consulate, in conformity with the maritime code of that nation.

3rd. That this vessel was furnished with the proper papers, issued by the Governor of Angola, as Portuguese property belonging to the aforesaid Mattos, at the time of her detention.

Having, then, shewn that the brig in question is Portuguese property, she having been navigated, both in the voyage she undertook from this port to Angola, and on her return voyage, with regular papers, it remains to be shewn whether the reasons offered by his colleague afford sufficient proof, against authentic documents, to admit of a doubt of the true national character of the vessel, and whether she can be reputed Brazilian, having originally been American.

The proofs offered by his colleague are—

The absence of a new registry in conformity with the express clause of the Provisional Register, which forbade the change either of the name of the vessel, of her masts, or even of the captain who sailed in her from hence, without a specific mention thereof being made in a new register.

The residence of the Portuguese, José Vieira de Mattos, who appears as the owner of this brig, in this city, and, further, his being a merchant here.

The vessel not having a Portuguese Captain, as required by the Convention, and a greater number of individuals being found on board, besides the passengers, than mentioned in the Muster-roll.

With regard to the first, although appearing to him more deserving of attention, yet it not being proved that the Governor of Angola had directed the execution of the last orders of the Portuguese Government, because the publication of them here in the "Jornal do Commercio" is not a sufficient proof that it had also taken place there, seeming more likely that such orders are not yet enforced there, because if so, the owner who here complied with the provisions of the code, would not have failed to do so there, nor would the Governor of Angola have considered that vessel as free and entitled to a passport to proceed on her voyage, if it had been also incumbent upon him to shew that he was in possession of the aforesaid register in virtue of the orders given by him to this effect.

As regards the second, it is a very doubtful fact in the opinion of the Brazilian Commissioner, because the simple declaration in the bill of sale, that the above-mentioned Mattos at that time resided in this city, and that of the American Consul in his certificate that he was a merchant here, cannot be taken as proof; not only because all the witnesses asserted (those who knew him) that this individual was actually established at Angola, but because nothing appears in the proceedings as to his commercial establishment in that city, either before or since that transaction, as would seem indispensable in order to apply to him, in consequence, the principle of temporary subject of Brazil, and, as such, to consider him amenable not only to the laws, but also to whatever Conventions the proper subjects of Brazil are liable to.

It would rather appear that he was precisely in the same circumstances of travelling merchant, without a fixed residence, as the owner of the "*Flor de Loanda*" was considered to be.

As to the want of a Portuguese captain, deduced from the circumstances of there being on board a Brazilian of the name of Joao Antonio Correa, who, living by the profession of pilot, appears to his colleague to be the real captain of this vessel, notwithstanding his coming as passenger and being called such in the passport given to him by the governor of Angola, the Brazilian Commissary Judge cannot concur in such a statement, because, besides that he cannot call in question the muster-roll of this vessel, nor the passport in which the Portuguese citizen, Antonio Jorge du Costa, is declared to be the captain, the fact of a letter being found addressed to the aforesaid Correa by his brother, with the direction, "Captain of the '*Brilhante*,'" and of a washing-bill, without date or direction, in which the same Correa calls himself so, does not appear to him sufficient proof to destroy the authentic documents with which this brig was navigating, nor even the additional fact that the same Correa, in company with two other brothers, proceeded from hence to Itaquahy, and from thence to Angola, and that he now appears jointly with one of those same brothers on board this vessel; because these coincidences, affording a bare presumption that, either directly, or as the agent of others, he is employed in the traffic of slaves, can never give a convincing proof that he is the real captain of the brig, and not the man who, as such, appears in the muster-roll and in the passport.

Considering therefore what has now been stated, the Brazilian Commissary Judge, although he is persuaded that the Africans were intended to be landed on some points of this coast, and that this vessel may possibly have been employed in this traffic in the interval between 1836 and the present time, cannot help, notwithstanding, in the absence of other proofs than those already referred to, recognising the "*Brilhante*" as Portuguese, and that this Commission is incompetent, under those circumstances, to decide upon the legality of her detention.

Rio de Janeiro, 15th June, 1838.

(Signed)

JOÃO CARNEIRO DE CAMPOS.

No. 115.

Her Majesty's Commissioners to Viscount Palmerston.—(Received September 14.)

(EXTRACT.)

Rio de Janeiro, 14th July, 1838.

WE have already had the honour of acknowledging the receipt of your Lordship's despatch of the 18th April, in which you transmit a copy of a letter addressed to your Lordship's office, from the Colonial Department, containing a communication from Dr. William Cullen, representing the conduct of the Government of Brazil, in respect to the Slave Trade, and call our attention to the statement of the delays which occur in the adjudication of Slave Vessels, in the Court of Mixed Commission.

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On this latter point, as well as on the great evils resulting therefrom, we have entered at large in our preceding despatches. It remains for us to notice the contents of the letter of Dr. Cullen to Lord Glenelg, which we shall endeavour to do with the utmost impartiality.

In the Doctor's statement there is much inaccuracy of detail, but also much of truth. This inaccuracy appears chiefly, (with the exception of what he relates of the "*Maria da Gloria*," and of the part which he attributes to the Mixed Commission in the landing of the blacks of the "*Rio de la Plata*," his ignorance of which cases is extraordinary,) in the dates and numbers he gives of the Africans imported, captured, and emancipated, and could easily be shown by reference to our official correspondence. But, as no practical good could now result from such an examination, we proceed to the consideration of his statement under the three main heads into which it may be most properly divided.

1st. The want of efficiency, the indecision, and negligence of the Mixed Commission, and the inefficacy of the system at present pursued for abolishing the Slave Trade on the coast of Brazil.

2nd. The abuses practised by those to whom the emancipated negro is hired out.

3rd. The notoriety and universality of the traffic, and the conduct of the Brazilian Authorities generally, and of Brazilian officers, in favouring it.

With respect to the first charge, the inefficiency of the Mixed Commission, and of the system at present pursued, no one, my Lord, can feel or deplore it more sensibly than ourselves; nor, we may be allowed to say, was the testimony of Dr. Cullen wanted on this point.

Her Majesty's Commissary Judge had not been very long at Rio de Janeiro, before the British Commissioners felt it incumbent on them to express their conviction, that the Convention had failed of its accomplishment, and that its immediate purpose had been defeated. This failure, as well as the inadequacy of the powers of the Commission, and the necessity of enlarging and extending them to the control and superintendence of the emancipated negro, till the moment of his acquiring his full and complete freedom, has been successively dwelt upon in our despatches.

How far such failure is imputable to the negligence or indecision of the members of the Mixed Commission, it is for your Lordship, on reference to the records of your office, to decide. To this we hope that, in justice as well to our predecessors as to ourselves, we may, without presumption, confidently appeal.

With regard to the second charge, the abuses practised by those to whom the emancipated negro is hired out, and the frauds devised to replace him in a state of permanent slavery, we beg leave to refer your Lordship to our despatches of the 10th December, 1834, and 27th July, 1835.

On the last head, viz., the conduct of the Brazilian Authorities in favouring the traffic in slaves, the Reports of this Commission for the last few years afford, unfortunately, but too abundant proof; and, on more than one occasion, we have noticed that misconduct on the part of Brazilian officers, which forms a prominent feature in the comments of Dr. Cullen.

There are two other points on which the Doctor incidentally touches, which, perhaps, we ought not to leave altogether unnoticed. The one regards what he calls "the instances of persecution exercised upon subjects of Her Majesty," on suspicion of their having in their possession newly-imported slaves; the other, the different system adopted by the late Admiral, Sir Michael Seymour, and his immediate successor, Sir Graham Eden Hamond.

The best reply, perhaps, that we can make to the former point is to cite the memorial presented by Dr. Cullen, and the answer which your Lordship was pleased to direct should be returned to it.

With respect to the second, it is a grateful act of justice on our part to the memory of Sir Michael Seymour, to add our testimony to the humanity shown by him in the cases alluded to. Under what instructions, or by what motives actuated, his successor followed "the wiser plan" which Dr. Cullen speaks of, it is not for us to inquire.

We might, not unnaturally, comment on the circumstance that these complaints against the Commission should have been addressed to a department with which, it is well known, we are not in correspondence, rather than to

your Lordship, under whom, the Doctor must have been aware, we had the honour of serving; but your Lordship's discernment will readily anticipate any observation on this head, and we have only respectfully to express the hope that this our reply will prove satisfactory, not less to your Lordship than to every member of Her Majesty's Government.

It will not, we hope, be regarded as irrelevant to this subject, although Dr. Cullen makes no such allusion, if we, in conclusion, again advert to the indirect, if it should not rather be called the direct, interest which British merchants and British capital, in Brazil, derive from the Slave Trade. With what but British goods is the African market, the freight which is to be bartered for the slave, supplied? With what, but slave-labour, are the works, originating in British capital and enterprise, carried on in this country? How are the various mines, which, but for similar support, would soon become inoperative, worked? Not by free, but by slave-labour.

These, and similar questions, my Lord, open, we are aware, a wide field for argument, and undoubtedly embrace the whole range of our commercial policy with this country. Into such it is not our province to enter; but it is impossible, in treating on this subject, to shut our eyes to their bearing upon it; more especially after witnessing, as we have lately done, the excitement in this capital, caused by the recent captures, and the scarcely concealed vexation and apprehension which such an indication of increased activity on the part of Her Majesty's Government, in the suppression of the traffic on this coast, has given rise to among the commercial body in general. The moment the seizures were known, claims for payment were abruptly pressed by persons calling themselves British as well as French merchants, on those who had taken their goods. The constant answer was, "Go to the British Commissioners, let them release our vessels and property, and then, and not till then, shall you be paid." With this answer they were obliged to be content; and, indeed, we have been assured that it is no uncommon practice, which however we do not undertake to vouch for as a fact, with some of the commission-houses here, of Liverpool, Leeds, Manchester, and Birmingham, to sell their goods, intended for the African market, on conditional terms; the debt to be acquitted, in part or in whole, according as the adventure may ultimately prove successful or otherwise.

The system of insurance, too, in these slave transactions, is fully established, some of the first foreign houses here taking part therein. But it is right to add, that we have never heard the name of any British subject being thus implicated.

No. 116.

Her Majesty's Commissioners to Viscount Palmerston.—(Received September 24.)

MY LORD,

Rio de Janeiro, 30th July, 1838.

IN our Despatch of the 14th instant, we had the honour to inform your Lordship of our having determined formally to enter our representation respecting embargoes on the minutes of the Court.

Since that time the subject has not even been alluded to by the Brazilian Commissary Judge; but we received, on the 21st instant, an official letter from Her Majesty's Chargé d'Affaires, a copy of which we enclose herewith as also of the reply which, under all the circumstances of the case, we have thought it our duty to return to Mr. Ouseley's recommendation.

Your Lordship will doubtless hear from that gentleman fully on this subject; and, as we are ignorant of any other grounds for the same than that contained in the letter itself, and are, moreover, unacquainted with the course which it may now be intended to pursue with regard to the "*Brilhante*," we abstain from doing more than referring your Lordship to the reasons, stated in our reply, which induced us to decline following the proposed suggestion; and have

only to add our hope, that our determination will meet with your Lordship's approbation.

We have, &c.
(Signed) GEORGE JACKSON,
FREDERICK GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

First Enclosure in No. 116.

Mr. Ouseley to Her Majesty's Commissioners.

GENTLEMEN,

Rio de Janeiro, 21st July, 1838.

On the receipt of your note of the 9th of July, and its enclosures, I had an interview with the Brazilian Minister for Foreign Affairs, and was in hopes, from the opinion then expressed by M. de Monteiro, that the Brazilian Commissioner might be instructed not to insist upon the exact observance of the "Portaria" relating to embargoes.

A delay occurring, however, in ascertaining the decision of the Imperial Government on this point, Her Majesty's Commissary Judge considered it his duty formally to present the paper, which having been taken into mature consideration by the Brazilian Government (as I am informed by M. Monteiro), they are, notwithstanding the opinions urged in that paper against the admission of embargoes, of opinion that their reception is indispensably required by the forms of Brazilian Law.

I, therefore, in order to avoid any further and indefinite delay, much inconvenience and suffering having already been occasioned by the long detention of the "*Brilhante*," strongly recommend that the embargoes offered in the case of that vessel should be, in this particular instance, allowed to be taken into consideration, according to the peculiar forms of Brazilian law, the observance of which has hitherto been submitted to by the Mixed Commission Court, although never recognised by Her Majesty's Government.

As, however, it is possible that the consent, in this instance, of Her Majesty's Commissary Judge to admit the embargoes may be misconstrued into an acquiescence in a system fraught with so much delay, and which cannot be reconciled to the letter or spirit of the Convention under which the Mixed Commission Court is formed, it will be necessary carefully to guard against any such misconception, by expressly protesting against a precedent for the future reception of embargoes, in other instances, being established by a concession, which is only advisable on account of the extreme urgency and the peculiar circumstances of the case of the "*Brilhante*."

I have the honour to be, Gentlemen,

Your most obedient servant,

Sir George Jackson and Frederick Grigg, Esq.,
&c. &c. &c.

(Signed) W. G. OUSELEY.

Second Enclosure in No. 116.

Her Majesty's Commissioners to Mr. Ouseley.

SIR,

Rio de Janeiro, 23rd July, 1838.

We have to acknowledge the receipt of your Official Letter of the 21st instant, in which you inform us, that, contrary to the hopes you had been led to entertain from the language held to you by M. Monteiro, in the interview which you had with him, on the receipt of our letter of the 9th of this month, the Brazilian Government, having taken into mature consideration our representation on the subject of embargoes, are still of opinion that their reception is indispensably required by the forms of Brazilian law.

To this information you add, that, in order to avoid any further and indefinite delay, you strongly recommend, that the embargoes offered in the case of the "*Brilhante*" should be, in this particular instance, allowed to be taken into consideration; and you observe, further, that it will be necessary carefully to guard against any such admission being misconstrued into an acquiescence in the system, by expressly protesting against it as a precedent in other instances.

In our letter of the 9th instant, written in the uncertainty whether you might not possibly be furnished, Sir, with special instructions on the subject of embargoes, which might supersede those received by us from Viscount Palmerston by the last packet, we stated that, unless officially requested by you to follow a different course, Her Majesty's Commissary Judge would feel it to be his duty to regulate his conduct in conformity to the representation above-mentioned: as, however, it does not appear, from your last letter, that you have any such instructions, and as your recommendation to us to admit the embargoes in the case of the "*Brilhante*" rests solely on the expediency of avoiding any further and indefinite delay, in addition to the inconvenience and suffering already occasioned by the long detention of that vessel, it becomes our duty to consider well how far we should be justified in deviating from the aforesaid instructions.

From the enclosed extract from these instructions, you will observe that their tenor is most explicit and positive, and that, though written in contemplation of an alteration of the law, on the point in question, being proposed to the legislature, we are forbidden to allow such an intention on the part of the Brazilian Government to induce us to acquiesce in permitting the practice of embargoes to continue.

The case, as it now presents itself, is, as far as we understand it, Sir, still stronger. Not only had the above instructions reference to an assurance given so long ago as March 1837, and which, up to

the last moment of the existence of the Ministry under which it was given, was never more heard of; but that Ministry has been succeeded by one who have allowed a great portion of the present session to pass, without even attempting to give effect to it, and who, professedly formed on opposite principles from those of their predecessors, may not, perhaps, consider the pledge as binding upon them.

On the other hand, should we, from a consideration of the inconvenience which you point out, disobey the injunctions of Viscount Palmerston, and agree to the concession, *pro hac vice*, the same inconvenience, attended with increased embarrassment, might recur to-morrow, as it is quite certain, that, so long as the practice shall be allowed, no sentence would ever be pronounced by the Court of Mixed Commission which would not, on the one side or the other, be impugned by the same process, the mischief of delay consequent thereupon being, in either case, equal.

The recent instance of the "*Cesar*" is strongly in point. The objection of Her Majesty's Commissary Judge to concede the delay demanded in that case, rested, it is true, on different grounds, but the sole object sought by the presentation of embargoes, and which, had the required security been given, would infallibly have been attained, was the same—namely, a delay to the utmost extent permitted, in any possible case, by the convention.

However strongly the protest accompanying the concession might be worded, still such concession could hardly fail to be taken, and urged, as a precedent; at least till such time as reference could be had to Her Majesty's Government; nor, indeed, do we see how it would be possible for us to yield the point in this particular instance, and withhold our acquiescence in the continuance of the same practice, during the interval that must elapse before an answer can be received from England to our present despatches.

After giving, therefore, the most anxious consideration, Her Majesty's Commissary Judge has come to the conclusion that it is imperative upon him to refuse any longer to receive embargoes; and we cannot but hope that means may be found, by hiring, if necessary, some merchant ship or hulk, as suggested by Viscount Palmerston's prior instructions, which, with the aid of a competent and responsible guard from the flag-ship, may provide as well for the welfare as for the security of the Africans on board the "*Brilhante*" no less effectually than if they were at once disposed of and distributed in the usual way.

We have the honour to be, &c.

(Signed)

GEO. JACKSON.
FRED. GRIGG.

W. G. Ouseley, Esq.,
&c. &c. &c.

No. 117.

Her Majesty's Commissioners to Viscount Palmerston.—(Received September 24.)

MY LORD,

Rio de Janeiro, 30th July, 1838.

THE recent address of the House of Commons to Her Majesty, on the subject of the Slave Trade, was published here with the observations of the London editor, as soon as received, and the public were, at the same time, told pointedly, that the address had been voted unanimously.

This publication had not long been made before two articles appeared in a leading paper of this city, commenting on the same; from which, as the writer is professedly hostile to the traffic, we have translated the enclosed extract, not so much for any particular novelty of matter apparent in it, as because it shows the real feeling in this country, even among those most favourable to our policy on this question, and because it tends to confirm much of what we have previously had the honour of laying before your Lordship.

We have, &c.

(Signed)

GEORGE JACKSON.
FREDERICK GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 117.

Translated Extract from a Newspaper.

These observations ought not to pass without examination, their object being of the greatest importance to Brazil; of all countries perhaps that where the cessation of the traffic would compromise the greatest interests. That these interests are opposed to such a measure is shown by the proposal of concert with the Allies of Great Britain; as also the difficulty, if not impossibility, we regret to say so, of carrying it into effect.

The interests of commerce, instead of tending to the abolition of the traffic, are, on the contrary, opposed to its discontinuance, as to a measure which would bring with it the ruin of great and numerous private and public fortunes.

Brazil principally would feel a great and immediate want of hands, a considerable diminution of her produce, and, consequently, a falling off in her commerce and public revenue.

The only State which could be a gainer by the cessation of the trade in slaves by sea, is Portugal, because by it she would acquire in her African dominions a greater supply of hands, and at a cheaper

rate, with which, by means of wise measures towards the formation of agricultural societies, of colonisation, and the granting of privileges to this branch of industry, she might prodigiously and rapidly develop the culture of those articles, which spring and grow there spontaneously : but, on the other hand, the losses which her commerce would sustain by this measure would also be great, the evils would be certain and immediate ; the benefits uncertain and more remote.

Even British commerce would have to undergo great losses ; and numerous would be the English fortunes ruined by the total, sudden, and effectual abolition of the traffic.

To be convinced of this, it is only necessary to consider the great number of English houses with immense capital that are concerned, both in this and other slave-holding countries, in transactions with the slave-merchants. Houses which would be themselves utterly ruined, and would bring with them the ruin of others, so soon as those transactions should cease, by the wants of a *débit* for that kind of goods, by the failure of payments, by bankruptcies, and by all those disasters, which the sudden annihilation of an extensive and complicated branch of commerce always entails.

The evil of slavery, rooted as it is in the very essence of a country, cannot be suddenly torn up without great disasters ; without great social shocks, which it behoves the respective Governments to avoid.

The means proposed by the House of Commons are not, unfortunately, that which can produce this great revolution in the habits and interests of so many nations ; or extirpate this frightful evil ; or wash out a stain which in the 19th century is a disgrace.

The following are those which, we think, England should employ.

To use her influence with those countries and legislatures where slavery obtains, for the adoption of proposals tending to establish a general and efficient system of agricultural colonisation ; to promote, in concert with those Governments, aided by other measures, powerful companies for this object ;—thus to obtain for our inland tracts, a free, labouring, and moral population, and facilitate to our planters, and those of other American States, the acquisition of free hands, careful, used to cultivation and to rural habits ; thus substituting and rendering it practicable to dispense with slave-labour, without detriment to agriculture and to public and private wealth ; to endeavour also in this way to aid the Portuguese Government in carrying civilization, liberty, and productive labour to the centre of Africa ; to suggest at the same time, and assist, general measures for the gradual emancipation of slaves, and for the formation of establishments of industry in Africa, in order to receive them when free, and concur in transporting them to those establishments ; and finally to attempt to form bonds between the Governments and the people, to expend those enormous sums to employ her fleets to bring to the States of America, and to carry to those of Africa, those elements of liberty and civilization.

If the British Government were to employ these means, it would attain its end without putting in peril the industry and wealth of so many nations. Its glory would be unequalled, it would not rest on an Utopian base, without any useful result, but on the greatest and most efficacious service done to humanity.

As regards Portugal and South America, we are told the best corrective is force.—Force ! to oblige people to give up habits to which are linked essential interests—the fortunes of all its citizens—its social existence. Force ! to compel a change in the economy of a whole continent of numerous independent States.

This can be only an idea of the writer, belied by history and by common sense. He seems to forget the distances which separate Mexico, Brazil, Buenos Ayres, Chile, and the Californias, from the Continent of Europe ; to be unmindful of the relative situation of the nations of America with Great Britain ; of the effects of such distance ; of the power of the relations and the interests of industry to frustrate any crusades against independent people, because they profess this or the other principle of administration, this or that practice, within their own territories.

There is, now-a-days, a power superior to, and irresistible to such coalitions ; the spirit of commerce, before which every other expediency falls ; all measures taken so as to oppose this power must necessarily fail ; and those proposed by the House of Commons, having this defect, cannot certainly attain its object.

No. 118.

Her Majesty's Commissioners to Viscount Palmerston.—(Received September 24.)

(EXTRACT.)

Rio de Janeiro, 1st August, 1838.

WE have the honour to acknowledge the receipt of your Lordship's despatch of the 30th April, 1838, transmitting for our information, the copy of a despatch from Her Majesty's Consul at Lisbon, inclosing the translation of a "Portaria" from the Portuguese Minister of Marine, of the 2nd of March, 1838, as also of the circular addressed to the Portuguese Consuls in the ports of Brazil, of the same date.

The instruction which, having referred these papers to Her Majesty's law-adviser, your Lordship is pleased to give to Her Majesty's Commissioners upon the subject of them, we shall not fail implicitly to abide by, in the case of any vessel which may be brought before us for adjudication ; and, although your Lordship has not distinctly directed us to do so, we have thought it right to lose no time in entering it officially on the minutes of the Court, and inviting the concurrence of our Brazilian colleagues therein ; and it affords us,

my Lord, no little satisfaction to find that in the sentence on the "*Brilhante*," we, to a certain extent, anticipated the rule which your Lordship has now been pleased to lay down for our guidance.

No. 119.

Her Majesty's Commissioners to Viscount Palmerston.—(Received September 24.)

MY LORD,

Rio de Janeiro, 3d August, 1838.

IN our despatch of the 30th ult., we had the honour of transmitting to your Lordship copies of two letters, which had passed between Her Majesty's Charge d'Affaires, and ourselves, relative to the admission of the embargoes offered to the sentence of the Court in the case of the "*Brilhante*."

We had just closed our despatch, when the Brazilian Commissary Judge presented a "Portaria," dated 28th July, 1838, addressed to him by the Minister for Foreign Affairs, enclosing copy of a note to Mr. Ouseley, in both which papers the practice of receiving embargoes is insisted on, so long as the point shall not be permanently settled.

As your Lordship will, doubtless, receive from Mr. Ouseley a copy of the note in question, we confine ourselves to sending herewith the "Portaria," only, in original and translation.

Before the Court broke up, we received a second letter from Her Majesty's Charge d'Affaires, "officially requesting us," notwithstanding our previous communication to him, to admit the embargoes in the instance of the "*Brilhante*."

A copy of this letter, and of our reply, we have also the honour to subjoin; and, in pursuance of the course stated at the end thereof, after personal discussion with Mr. Ouseley, we offered at the meeting of the Court on the 2nd instant, to receive the embargoes in question, conditionally. The terms in which this offer was made, and received by our colleague, appear in the annexed Minute of that date.

In adopting this course, it has been our anxious endeavour to reconcile that strict obedience to your Lordship's instructions, which it is our paramount duty to observe, with the attention which is due to the representation of the head of Her Majesty's Mission, so much more competent from his situation than we can be supposed to be, of judging what is most likely to promote the general views of Her Majesty's Government; and, whatever may be the result, we venture to hope, that, in so far relaxing from the letter of your Lordship's instructions, we shall not be deemed to have exercised an improper discretion.

We have, &c.

(Signed)

GEORGE JACKSON.
FREDERICK GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

First Enclosure in No. 119.

(Translation.)

The Minister for Foreign Affairs to the Brazilian Judge.

I transmit to you, for your information, the copy of a note which I addressed on the 26th instant to the Chargé d'Affaires of Her Britannic Majesty at this Court, informing him that the Imperial Government insisted on the practice hitherto observed by the Mixed Brazilian and English Commission, of receiving embargoes offered to their sentence, so long as the principle which forms the subject of the objection of the British Commissary Judge shall not be permanently settled.

God preserve, &c.

(Signed)

ANTONIO PEREGRINO MACIEL MONTEIRO.

Palace, 28th July, 1838.

To Senhor JOAO CARNEIRO DE CAMPOS.

A true Copy.

(Signed)

BRAZ MARTINS COSTA PASSOS, *Secretary.*

A true Translation.

JOHN BAPTIST COSMELLI,

Interpreter ad hoc to the Mixed Commission.

Second Enclosure in No. 119.

Mr. Ouseley to Her Majesty's Commissioners.

GENTLEMEN,

Rio de Janeiro, July 26, 1838.

I HAVE received your Note of the 23rd instant, (together with its enclosures) in which you decline to admit, as strongly recommended by me in my note of the 21st, in the exceptional case of the "*Brilhante*,"—certain embargoes, under an express stipulation that such concession shall not be regarded as a precedent.

The grounds upon which you consider it your duty to refuse the admission of the embargoes in question, are, in the first place, the nature of your instructions from Her Majesty's Secretary of State, and also the consideration that a concession, *pro hac vice*, might entail upon you the necessity of admitting embargoes in future cases, or incurring similar inconveniences attended, as you affirm, with increased embarrassment, the occasion for which might recur to-morrow. You consider that a protest could scarcely be so worded as not to allow of its being taken and urged as a precedent for the continuance of the practice, in which you would, you think, be obliged to acquiesce, at least until reference were had to Her Majesty's Government.

Finally, you recommend, rather than allow the embargoes, in this instance, to be received, to place the Africans in a hired merchant ship, or hulk, for an indefinite period.

The object to be attained by the refusal of the embargoes, being to avoid all unnecessary delay, and the consequent inconveniences and suffering, in carrying into execution the sentences of the Mixed Commission, it would, in the instance of the "*Brilhante*," be incurring a certain further delay, and probably, one of extreme duration, in the case of a vessel that has already been for a very considerable time under adjudication; nor do I perceive, that in the event alluded to by you, of the possible capture of another vessel, (supposing similar circumstances to arise out of its trial) the inconveniences of the anticipated case would be at all diminished by leaving those of the "*Brilhante*" still in existence.

I cannot agree with you in opinion, that no protest can be so worded as to avoid the possibility of an exceptional concession in this instance becoming a precedent. The trial of the "*Brilhante*" began some weeks before the positive instructions on which you now proceed arrived, and sentence was pronounced before they could be acted upon. No formal notification, consequently, had been, or could be given of the positive refusal on our part in future to admit of embargoes. The position of the question, therefore, in relation to any new case that may occur, will not be exactly similar, as notice will have been previously given to the Brazilian Government, as well as to the parties concerned, of the intentions of Her Majesty's Commissioners to refuse the admission of embargoes.

It by no means follows, therefore, that acquiescence, *pro hac vice*, will necessitate "the continuance of the same practice indefinitely," and still less, "during the interval that must elapse before an answer can be received from England to your present despatch," inasmuch as the principle to be established for the future being perfectly clear, and your right to insist upon it remaining unimpaired, no occasion for immediate reference to Her Majesty's Secretary of State exists, the case of the "*Brilhante*" being exceptional. Moreover, although the Brazilian Government, in the case of the "*Brilhante*," do not consider it possible to refuse the admission of the embargoes, they expressly reserve in their official communication to me, the point in question for future consideration, with a view to satisfactory arrangement. It will, of course, be my endeavour to induce the Brazilian minister to accede to the principle laid down by the Queen's Government; nor is it requisite for that purpose to await the capture of another vessel, nor to detain the Africans found on board the "*Brilhante*," until further instructions may be received by Her Majesty's Commissioners.

In order, therefore, to avoid a certain further delay in the present case, and, inasmuch as the future right to refuse the embargoes remains in full force, taking also into consideration the circumstances of the trial of the "*Brilhante*" having been, in fact, nearly completed before the intention of refusing the embargoes was formally announced, as also the reservation of the point for future consideration by the Brazilian Government, and the possibility of concluding a satisfactory arrangement of the question, before another case may arise for adjudication, I think it my duty officially to request that you will act as was strongly recommended in my note of the 21st instant, and admit, in this instance, the embargoes, carefully guarding against this exceptional concession being interpreted as a precedent for future cases.

I have the honour to be, &c.

(Signed)

W. G. OUSELEY.

To Her Majesty's Commissioners,
&c. &c. &c.

Third Enclosure in No. 119.

Her Majesty's Commissioners to Mr. Ouseley.

SIR,

Rio de Janeiro, 30th July, 1838.

WE were about to inform you of the presentation of a "*Portaria*" this day by the Brazilian Commissary Judge, from the Minister for Foreign Affairs, transmitting, for his information, the copy of his Excellency's note to you of the 20th of this month, when we received your official letter, dated the 26th instant.

From the tenor of this "*Portaria*," and of its enclosure, we were the more confirmed in the propriety of the resolution announced to you in our last letter, because M. Maciel Monteiro, while professing the readiness of the Imperial Government to settle permanently the question relative to the admission of embargoes, and to observe from the moment of such settlement whatever should be agreed upon, seems to lose sight of the grounds on which their exclusion has hitherto been resisted by every successive ministry, viz., the necessity of a recurrence to the legislature; and, without either affirming or denying that necessity, or pledging himself in the former hypothesis to bring the question before them, speaks only of reserving its discussion for another and indefinite opportunity, enjoining the

observance of the practice hitherto followed, so long as the principle objected to by Her Majesty's Commissary Judge shall not be definitively decided.

In the letter which, under date of the 26th instant, we have received from you this day, you state that you think it your duty officially to request, that we will admit the embargoes in this instance of the "*Brilhante*," and you ground this request,—

1st. On the expediency of avoiding a certain further delay in the present case, and which would probably be one of extreme duration.

2nd. On the consideration, that the future right to refuse embargoes would not be impaired by conceding them in the present case, no formal notification, of the positive refusal on our part to admit of embargoes in future, having been made before the sentence on the "*Brilhante*" was pronounced; and,

3rd. On the expectation of a satisfactory arrangement of the question being concluded, without further reference to Her Majesty's Government.

With respect to the first point we can add but little to what we have already stated; so far, however, from considering that "the inconveniences of the anticipated case would be at all diminished by leaving those of the '*Brilhante*' still in existence." Our argument proceeded on the increased embarrassment, which would be caused in any future case by present concession; on the necessity of taking our stand at some given period, and on the belief, that a better moment than the present could not be chosen for that purpose; and that the course now to be adopted should be considered with reference, not so much to the inconveniences which may result from it, as regards the "*Brilhante*," as to the mischief which might follow in a future case, should such stand not now be made.

On the second point, we have to observe, that the instructions from Her Majesty's Secretary of State reached us on the 14th June, and that we lost no time in acquainting our colleagues with their purport. Embargoes were then before the Court, in the case of the "*Flor de Loanda*," and the first intention of Her Majesty's Commissary Judge was to act immediately on those instructions, which he had, in fact, anticipated in his official statement to the Court, so early as the 28th May; but he was subsequently induced to alter that intention, as well on the grounds now urged by you, and which, in the case of that vessel, applied with much greater force, as from the consideration pressed upon him by his Brazilian colleague, that those embargoes, though neither, at that moment, followed up by the Proctor, nor acted upon by the Court, had, in fact, been for a long time before it. In admitting them, these reasons were distinctly stated, with the intimation, that in no future case—the "*Brilhante*" being then under adjudication—could the British Commissary Judge agree to receive embargoes; and on the following day, the 20th June, our paper of that date, to which the "Portaria" of the 9th instant was a reply, was formally recorded and communicated to the Imperial Government. Sentence on the "*Brilhante*" was not passed till the 25th June; and the presentation of embargoes to that sentence was delayed so long, that the British Commissioners began to hope, that, in consequence of what was known to be their determination, none would have been offered.

The third consideration suggested by you, we deem it to be beyond our province to discuss on the present occasion; or we should remark that the impossibility to refuse the admission of embargoes, alluded to in the note, now for the first time communicated to us, is not confined to this particular case of the "*Brilhante*," and that neither the terms of the note, nor the actual position of this country, appear to us to afford any very sanguine grounds for expectation that a course, more in accordance with her engagements with Great Britain on all matters connected with the Slave Trade than that hitherto followed, is likely to be pursued by the present Government.

Still, however, we are not, Sir, less desirous than yourself to avoid the delay you deprecate; and it has occurred to us that it may be possible for you, if the Imperial government are really deserving of the confidence which you seem inclined to repose in them, in this instance, to obtain a formal and distinct assurance, in the nature of an express stipulation, that, supposing Her Majesty's Commissioners to acquiesce, *pro hac vice*, in the admission of embargoes, such exceptional concession shall not be taken as a precedent, in the event of any other case occurring before ulterior instructions may be received from the Queen's government.

With such an assurante we would venture to act as you recommend; but, without it, we should not feel ourselves justified in doing so.

We might ourselves propose this stipulation to the Brazilian Commissary Judge; and shall, as a last resource, not fail to do so before finally closing this discussion; but it is evident that, unless previously instructed by his government to agree thereto, it would have no practical effect; and we therefore offer the suggestion for your consideration, as the only effectual way, in our opinion, of guarding against the concession being taken and urged as a precedent for future cases.

We have the honour to be, &c.

(Signed)

GEORGE JACKSON.
FREDERICK GRIGG.

W. G. Ouseley, Esq.

Fourth Enclosure in No. 119.

(Translation.)

Declaration made by the British Commissary Judge at the sitting of the Court on the 2nd August, 1838.

THE British Commissary Judge declared that, being desirous of obviating the inconveniences which may result from the delay in the decision of the proceedings of the brig "*Brilhante*," suspended till now by his objection to admit the embargoes offered to the sentence pronounced against that brig; and seeing by the copy of the note which accompanied the despatch addressed to his colleague, the Brazilian Commissary Judge, on the 28th ultimo, by the minister Secretary of State for Foreign Affairs, that the decision of such objection may very shortly be expected, through the intervention of Her Majesty's mission at this Court, he proposes to his Brazilian colleague to receive and decide the aforesaid embargoes, provided he will give him an assurance, that this practice shall definitively cease for the future, or that their present admission shall not serve as a precedent for such a resource being allowed henceforward.

The Brazilian Commissary Judge replied that, finding himself bound by the instructions recently received from his government, it was impossible for him, of himself, to come to any decision respecting this declaration; and that he would bring, afresh, this new circumstance to the knowledge of his government.

No. 120.

Her Majesty's Commissioners to Viscount Palmerston.—(Received September 24.)

MY LORD,

Rio de Janeiro, 4th August, 1838.

DURING the last four mouths, not fewer than 19 vessels have entered this port, in ballast, from the eastern and western coast of Africa, under the Portuguese flag; every one of which, after undergoing the usual process of examination by a justice of the peace, has been declared to have incurred no criminality, and has been almost immediately released.

There can be little doubt, that each of these vessels has imported a cargo of slaves into this country, some in very large numbers; and it is probable, that, had they been detained by Her Majesty's cruisers, and brought before this court, they would have been, for the most part, condemned; as almost all, we know, sailed hence subsequently to the publication of the Portuguese decrees; and though, as in the case of the "*Flor de Loanda*," the captors might possibly with regard to some, have failed in producing proof to justify their being dealt with as Brazilian, yet the chances are that the majority would not have been so fortunate; and we cannot but hope, that, when your Lordship's recent instruction shall be acted upon, it will have the effect of preventing that flagrant violation of the laws, both of Brazil and Portugal, which, till now has been daily passing before our eyes.

For this purpose, however, an additional number of fast-sailing cruisers on this coast becomes indispensable; as we cannot too often repeat our conviction, that little or no co-operation can be expected from the Brazilian Navy, more especially under the actual circumstances of this country; and consequently, that, unless British vessels of that description be appointed, for the express purpose of detaining all suspicious craft on this coast, every other measure which may be projected will be in vain.

We have, &c.

(Signed)

GEORGE JACKSON.
FREDERICK GRIGG.*The Right Hon. Viscount Palmerston, G.C.B.*

&c.

&c.

&c.

No. 121.

Her Majesty's Commissioners to Viscount Palmerston.—(Received September 24.)

MY LORD,

Rio de Janeiro, 7th August, 1838.

WE have the honour to enclose herewith, the translation of a Despatch from the Brazilian Minister for Foreign Affairs, to the Brazilian Commissary Judge, of the 4th instant, acknowledging the communication by him of your Lordship's instruction of 30th of April, 1838, respecting vessels entitled to be considered as Portuguese, and informing him that the Imperial Government would take the same into consideration, and acquaint him afterwards with their determination.

We have, &c.

(Signed)

GEORGE JACKSON.
FREDERICK GRIGG.*The Right Hon. Viscount Palmerston, G.C.B.*

&c.

&c.

&c.

Enclosure in No. 121.

*The Minister for Foreign Affairs to the Brazilian Judge.**Presented on the 6th August.*

SIR,

ACKNOWLEDGING the receipt of the despatch addressed to me by you on the 3rd instant, transmitting a copy of the instructions presented by the British Commissioner at the sitting of the preceding day, I have to inform you that the Imperial government will take into consideration the subject of those instructions, in order afterwards to communicate to you the determination they may come to respecting them.

God preserve, &c.

(Signed)

Palace, 4th August, 1838.

ANTONIO PEREGRINO MACIEL MONTEIRO.

SENHOR JOAO CARNEIRO DE CAMPOS.

No. 122.

Her Majesty's Commissioners to Viscount Palmerston.—(Received September 24.)

MY LORD,

Rio de Janeiro, 9th August, 1838.

WE regret to have to report, that the Imperial Government has declined to authorize its Commissioner to concur in a declaration, that, supposing the court to admit the embargoes in the case of the "*Brilhante*," such admission should not serve as a precedent. We have the honour to transmit herewith, a copy and translation of the Despatch of the Minister for Foreign Affairs, to Senhor Joao Carneiro de Campos, signifying such decision, and requiring him to sustain the vigorous observance of the principles on which his Excellency's note, of the 20th ultimo, to Her Majesty's Chargé d'Affaires, was founded.

In presenting this reply, the Brazilian Commissary Judge strenuously endeavoured to persuade his colleague to be satisfied with the assurance, that the Government of Brazil were ready to negotiate on the subject, and with an engagement on his part to press upon them the necessity of doing so without delay; but Her Majesty's Commissary Judge, conceiving that, in his proposal of the 2nd instant, he had gone to the utmost extent, if not beyond, what he would, but for the peculiar circumstances of the case, have been justified in agreeing to, expressed his regret, that he had now no alternative but to abide strictly by his instructions; and entered his decision, on the minutes, in the terms expressed in the enclosed paper.

We do not venture to anticipate any change on the part of the Imperial Ministry; but we may remark, that, as your Lordship will perceive, the Brazilian Commissary Judge, instead of proceeding at once as threatened, to enter a formal protest against Her Majesty's Government, making them responsible for all the consequences of the delay, contented himself with replying that he would inform his Government of the statement made by his colleague.

Much discussion occurred on the communication of the above refusal of the Imperial Minister, in which great stress was laid on the heretofore tacit acquiescence of the British Government in the practice of embargoes, which, our colleague contended, might justify his Government in considering the point as settled; and in which, moreover, he complained that the determination no longer to admit such practice should have formed a peremptory instruction to the British Commissioners, instead of being made matter of negotiation between the two Governments, in the same way as had been practised with reference to other points, not embraced in the convention, although arising out of it.

We replied, that that very observation at once constituted and explained the difference of the proceeding. Had Her Majesty's Government been seeking anything new, not comprehended in the words of the Convention, as, for example, the question of temporary residence, or the more recent interpretation to be put on the late decrees of Portugal, such a course, as our colleague suggested, would naturally have been followed; but that it was because both the letter and the spirit of the Acts under which the Commission sits, enjoin the course we were contending for, that it was left to the Commissioners to require, on their part, its observance. With regard to the assumed acquiescence of the British Government in the practice in question, we observed that its silence for some time was to be accounted for by the circumstance, that for several years so few cases had been submitted for adjudication, but that we had not ceased for the last four or five years from protesting against the practice.

It was not for us, my Lord, to observe upon the assurance of the readiness of the Brazilian Government to negotiate upon this subject, or on the facility which our colleague assured us the Minister would find, when more at leisure, in submitting the proposed alteration to the Chambers, and obtaining their sanction to it; or we might have called his attention to the fact that, to this day, the additional Articles have not been so submitted, and that the pledge given by the Brazilian Minister for Foreign Affairs, to His Majesty's Minister, in March, 1837, to bring the former subject before the legislative body, remains yet unredeemed.

From any such remarks, however, we thought it better to refrain, and simply observed, that the non-admission of the embargoes would not prejudice

or interfere with such negotiation, and that if the arrangement of the question was likely to be as speedily effected as was contemplated, the further inconsiderable delay, compared with what has already occurred, would not be very material, the more so as the "*Brilhante*" is a very fine vessel, and the Africans on board are reported as comparatively healthy.

We have, &c.

(Signed)

GEORGE JACKSON.
FREDERICK GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

First Enclosure in No. 122.

Translation of a Note from the Brazilian Minister for Foreign Affairs to Senhor Joao Carneiro de Campos.

I ACKNOWLEDGE the receipt of the despatch you addressed to me under yesterday's date, stating that the English Commissary Judge of the Mixed Commission declares, that he will only decide the embargoes relating to the "*Brilhante*" in case of his being assured that such resource shall definitively cease, the decision now taken not to serve as a precedent for the future; and in reply I have to signify to you, that having already communicated to you the note which I lately addressed to Her Britannic Majesty's Chargé d'Affaires on this subject, it is proper that you maintain the rigorous observance of the grounds on which that note rests.

God preserve, &c.

Palace, 4th August, 1838.

(Signed)

ANTONIO PEREGRINO MACIEL MONTEIRO.
SENHOR JOAO CARNEIRO DE CAMPOS.

Second Enclosure in No. 122.

(Translation.)

Sitting of 8th August, 1838.

THE question of the expediency of deciding forthwith the embargoes presented by the owner of the brig "*Brilhante*" being brought forward by the Brazilian Commissary Judge, inasmuch as the imperial government had already replied to the objections made by the British Commissary Judge, the latter declared that, since his colleague was not authorised to concur with him in admitting this resource for this time only, so that the decision of the present embargoes shall not serve as a precedent for the future, and, being bound by the instructions of his government, he regretted that it was not possible for him to desist from the declaration, which he made on the 20th June last, when the aforesaid brig "*Brilhante*" was not yet adjudicated.

To which the Brazilian Commissary Judge replied, that he would bring this statement to the knowledge of his government.

(Signed)

A true copy.

BRAZ MARTINS COSTA PASSOS, Secretary.

No. 123.

(Her Majesty's Commissioners to Viscount Palmerston.—(Received Sept. 24.)

MY LORD,

Rio de Janeiro, 9th August, 1838.

WE have the honour to acknowledge the receipt of your Lordship's Despatch of the 24th May last, transmitting for our information five copies of two Series of Papers relating to the Slave Trade, which have been presented to the two Houses of Parliament during the present Session, by Her Majesty's command.

We have, &c.

(Signed)

GEORGE JACKSON.
FREDERICK GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

No. 124.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, 6th October, 1838.

WITH reference to your Despatch of the 29th June last, I herewith transmit for your information a copy of a certified extract from the Log, kept by Lieutenant Graham E. Hamond, of Her Majesty's ship "*Rover*," while in charge of the "*Flor de Loanda*," containing the information you require as to

the number of deaths which took place among the negroes on board that vessel, up to the date of the "Rover's" departure from Rio de Janeiro.

I am, &c.

(Signed) PALMERSTON.

Her Majesty's Commissioners,
&c. &c. &c.

Enclosure in No. 124,

Extract from the Log of Lieutenant Graham E. Hamond, of Her Majesty's Ship "Rover," in charge of the captured slave schooner "Flor de Loanda."

Thursday, April 12, 1838,	8 A.M.,	buried a negro man.
Friday, " 13, "	" "	buried a negress girl.
Saturday, " 14, "	" "	buried a negro boy.
	P.M.,	buried a negress girl.
Sunday, " 15, "	A.M.,	died, a negro man.
	P.M.,	died, a negro man and a small infant.
Monday, " 16, "	A.M.,	died, a negro man.
	P.M.,	died, a negro boy.
	Midnight,	buried the above.
Tuesday, " 17, "	A.M.,	died, one negress woman.
	Midnight,	buried the above.
Wednesday, " 18, "	A.M.,	died, a negro boy.
	P.M.,	died, a negro boy.
	" "	died, a negro boy.
	Midnight,	buried the above.
Thursday, " 19, "	A.M.,	died, a negro boy.
	P.M.,	died, a negro man.
	Midnight,	buried the above.
Friday, " 20, "	A.M.,	died, a negress girl.
	Midnight,	buried the above.
Saturday, " 21, "	A.M.,	died, a negress girl.
	Midnight,	buried the above.
Sunday, " 22, "	A.M.,	died, a negress girl.
	" "	died, a negro boy.
	P.M.,	died, a negress girl.
	Midnight,	buried the above.
Monday, " 23, "	A.M.,	died, a negro man.
	" "	died, a negro man.
	Midnight,	buried the above.
Tuesday, " 24, "	A.M.,	died, a negress girl.
	Midnight,	buried the above.
Wednesday, " 25, "	A.M.,	died, a negress girl.
	P.M.,	died, a negro boy.
	Midnight,	buried the above.
Thursday, " 26, "	A.M.,	died, a negress girl.
	" "	died, a negro man.
	P.M.,	died, a negro boy.
	Midnight,	buried the above.
Friday, " 27, "	P.M.,	died, a negress girl.
	Midnight,	buried the above.
Saturday, " 28, "	P.M.,	died, a negro man.
	Midnight,	buried the above.
Monday, " 30, "	A.M.,	died, a negro man.
	Midnight,	buried the above.
Tuesday, May 1, "	A.M.,	died, a negress girl.
	Midnight,	buried the above.
Wednesday, " 2, "	A.M.,	died, a negro man.
	Midnight,	buried the above.
Thursday, " 3, "	A.M.,	died, a negro man.
	P.M.,	died, a negro boy.
	Midnight,	buried the above.
Friday, " 4, "	A.M.,	died, a negress girl.
	" "	died, a negro man.
	" "	buried the above.
Monday, " 7, "	A.M.,	died, a negro boy.
	P.M.,	died, a negro boy.
	Midnight,	buried the above.
Tuesday, " 8, "	A.M.,	died, a negro boy.
	" "	buried the above.
Wednesday, " 9, "	A.M.,	died, a negro boy.
	" "	died, a negro boy.
	Midnight,	buried the above.
Thursday, " 10, "	A.M.,	died, a negro boy.
	Midnight,	buried the above.
Friday, " 11, "	A.M.,	died, a negress girl.
	Midnight,	buried the above.

Saturday, May 12, 1838 A.M., died a negro boy.
 buried the above.
 Tuesday, „ 15, „ A.M., died, a negress girl.
 „ died, a negress girl.
 Midnight, buried the above.
 Wednesday, „ 16, „ 7 P.M., received an order to rejoin Her Majesty's
 ship "Red Rover," and to deliver up the charge of prize to Mr. Dyett,
 Mate. Returned on board with prize crew, and arms.
 (Signed) GRAHAM E. HAMOND,
 Lieutenant Commanding.

Abstract of Deaths occurring on Board the "Flor de Loanda," from April 11 to May 16, 1838.

First week	13 deaths,
Second „	12 „
Third „	8 „
Fourth „	9 „
Fifth „	5 „
Total	47 in 5 weeks.

(Signed) GRAHAM E. HAMOND,
 Lieutenant Commanding.
 JOHN BARROW.

A true extract.

No. 125.

Her Majesty's Commissioners to Viscount Palmerston.—(Received October 23.)

MY LORD,

Rio de Janeiro, 21st August, 1838.

AT one time we had some slight hope, that the Imperial Government would have so far given way to your Lordship's decision, on the point of embargoes, as to instruct its Commissioner to join with us in a declaration, that if admitted in the case of the "*Brilhante*," the concession should form no precedent for any future case; but any such expectation is now at an end; and we revert to the subject (in consequence of the blame which is imputed to our course in this business) only for the purpose of doing away with any erroneous impression, which the ambiguous wording of the despatch of the Minister for Foreign Affairs, to the Brazilian Commissary Judge, of the 4th instant, enclosed in our despatch of the 9th instant, might possibly give rise to.

Immediately on reading that despatch, it seemed to us that our declaration of the 2nd of August had been imperfectly understood, and that, instead of considering that paper as embracing, as it does, two branches, the alternative, comprised in the latter branch, had been entirely lost sight of by the Brazilian Minister. But, on mentioning this to our colleague, he assured us that no such misapprehension had existed; and, to prove that there could be none on this point, he showed to us, confidentially, the despatch which he had addressed to his Government, transmitting the copy of our declaration.

On the subject of the expectation, alluded to by us, in the above declaration, of a speedy settlement of this question by negotiation, we must refer your Lordship to Her Majesty's Mission, remarking that we introduced the allusion more with a view to strengthen the hands of Her Majesty's Chargé d'Affaires, than under any very sanguine expectation of a favourable result.

It remains for us only to wait the determination of your Lordship on this point, till the receipt of which no further steps, with regard to the "*Brilhante*," can, as we apprehend, be taken by Her Majesty's Government.

We have, &c.

(Signed)

GEORGE JACKSON.
 FREDERICK GRIGG.

The Right. Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

No. 126.

Her Majesty's Commissioners to Viscount Palmerston.—(Received October 30.)

MY LORD,

Rio de Janeiro, 5th July, 1838.

IN pursuance of the 75th clause of the Act passed in the 5th year of the reign of His late Majesty George IV., entitled, "An Act to amend and

consolidate the laws relating to the abolition of the Slave Trade," we have the honour to enclose a return of all the cases of vessels adjudicated in this Mixed British and Brazilian Commission, between the 1st January and 5th July, 1838.

We have, &c.
(Signed) **GEORGE JACKSON.**
FREDERICK GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.
 &c. &c. &c.

P.S.—27th August. We have suspended the transmission of the above, to be enabled to complete the return in all its particulars, which, till to-day, it has not been possible to do.

(Signed) G. J.
 F. G.

Enclosure in No. 126.

Return of Vessels adjudicated by the British and Brazilian Court of Mixed Commission, established at Rio de Janeiro, between the first day of January, 1837, and the 31st day of July, 1838.

Names of Vessel.	Date of Seizure.	Where captured.		Property seized.	Seizor.	Date of Sentence.	Number of Slaves Captured.	Number died before Adjudication.	Total Number Remanded.	Decretal part of sentence, whether Forfeiture or Restitution.	Whether property condemned has been sold or converted, and whether any part remains unsold, and in whose hands the proceeds remain.
		Latitude.	Longitude.								
"Flor de Loanda."	April 13, 1838.	Off Maricá	Islands.	Schooner and 289 slaves.	H. M. Sloop, "Rover," Commander Eden.	May 15, 1838. June 19, 1838.	289	.	.	Not taken cognizance of, being Portuguese.	
"Cesar."	April 13, 1838.	Off Maricá	Islands.	Brigantine and 207 slaves.	H. M. Sloop, "Rover," Commander Eden.	May 26, 1838. June 26, 1838.	207	5	202	Forfeiture.	Sold and moiety of net proceeds remitted to Her Majesty's Government.
"Brilhante."	May 13, 1838.	23° 8' S. 42° 46' W.		Brigantine and 250 slaves.	H. M. Brig, "Wizard," Lieutenant Bower, Commander.	June 25, 1838.	250	5	245	Condemned; but the Brazilian Government refuse to execute the sentence in consequence of British Commissioners' refusal any longer to admit embargoes.	

Rio de Janeiro, 5th July, 1838.
" 27th Aug. "

(Signed)

GEORGE JACKSON.
FREDERICK GRIGG.

No. 127.

Her Majesty's Commissioners to Viscount Palmerston.—(Received October 30.)

MY LORD,

Rio de Janeiro, 28th August, 1838.

REFERRING your Lordship to our despatch of the 28th of June last, we have the honour to report, that, on the 30th ultimo, the Proctor, on the part of Commander Eden, in the case of the "*Flor de Loanda*," applied for, and obtained from the Court, the whole of the "Autos," or original documents in that case, "the sentence of the Court (so the application is worded) rendering it necessary, that the schooner should proceed elsewhere for adjudication."

At the above date, the total number of Africans surviving, belonging to this vessel, was 210, according to a return made by the officer in charge, on the delivery of the documents, and which the Court thought it incumbent on them to require, in consequence of the great mortality and loss of Africans, which have occurred on board of this vessel.

Beyond this, we have no means of giving your Lordship any certain information, nor can we at all account for the detention, for upwards for two months, of the "*Flor de Loanda*," in this harbour, after the definitive sentence of the Court was pronounced, no communication as to this fact, or to her ulterior destination, having been made to the Commission; but, in the Shipping List of the 24th instant, the name of the "*Flor de Loanda*" appears as having sailed for Sierra Leone, and that of Her Majesty's sloop "*Sparrow-Hawk*," as accompanying her.

If this be so, the absence of the only sloop-of-war at present on this station, at a moment, when, under your Lordship's late instruction, the vessels which are so continually entering this port from the coast of Africa might be liable to capture, is greatly to be lamented. We know not under what instructions the Commander of Her Majesty's naval forces on this station may be acting; but we thought it our duty, although not enjoying the advantage of any personal intercourse with him, to take care that he should be distinctly apprized of the state of the case, as regards all vessels *bonâ fide* Portuguese, as so clearly explained in your Lordship's late speech in Parliament on that subject, and of the impossibility of such being condemned under existing Treaties, for being engaged in the traffic in slaves to the south of the Line.

We have, &c.

(Signed)

GEORGE JACKSON.
FREDERICK GRIGG.*The Right Hon. Viscount Palmerston, G.C.B.*

&c.

&c.

&c.

No. 128.

Her Majesty's Arbitrator to Viscount Palmerston.—(Received November 30.)

MY LORD,

Rio de Janeiro, 5th September, 1838.

IN the letter, 28th February, 1838, from Dr. William Cullen, to Lord Glenelg, a copy of which was enclosed in your Lordship's despatch of the 18th April, to Her Majesty's Commissioners, and which is also among the papers relating to the Slave Trade, presented to Parliament, there is the following passage respecting the slaves captured on board of the schooner "*Duquesa de Braganza*," and adjudged by the Mixed Commission to be emancipated:—

"The Brazilian Government advertised to hire out the survivors on apprenticeship for 14 years. Several gentlemen, English and French, applied, and were most desirous to obtain, some one, and others two, or more, of these apprentices. Although numerous applications were made on the very day the advertisement appeared, no one was served but the parties who had the hiring of them, and their immediate friends. *The only Englishmen who obtained any were those belonging to the Mixed Commission.*"

To this statement, I am warranted in giving, as far as I am alluded to, the

CLASS A.

2 B

most unqualified contradiction, inasmuch as, during the whole period of my service, I have never applied for, or received a single negro from the Brazilian Government, or any of its officers.

On the decease of Mr. Cunningham, in 1832, a negro of the name of Pedro, decreed to be emancipated, was removed from Mr. Cunningham's establishment to my service, with the consent of the "Curador;" but, as the man wished to change his mode of life, I returned him, and I understand from himself, that he is now employed in the Brazilian navy.

I have already laid this information before Her Majesty's Chargé d'Affaires at this Court.

I have, &c.

(Signed)

FREDERICK GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

No. 129.

Her Majesty's Commissioners to Viscount Palmerston.—(Received November 30.)

MY LORD,

Rio de Janeiro, 13th September, 1838.

WE have the honour to acknowledge the receipt of your Lordship's despatch of the 9th June last, transmitting the copy of a resolution voted unanimously by the House of Commons, on the 10th May, 1838, for an Address to Her Majesty upon the Slave Trade, and a copy of the Answer, which, on the 23rd of the same Month, Her Majesty was pleased to return to that Address.

By these papers we rejoice to see the increasing and anxious desire of the Parliament and Government of Great Britain for the extinction of the traffic in slaves; and, whilst we beg leave to assure your Lordship, that you may rely on our most earnest endeavours to co-operate zealously and faithfully in that humane work, we humbly trust that we may be enabled, by your Lordship's instructions in reply to our late despatches, to carry those endeavours into efficient execution.

We have, &c.

(Signed)

GEORGE JACKSON.

FREDERICK GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

No. 130.

Her Majesty's Commissioners to Viscount Palmerston.—(Received November 30.)

MY LORD,

Rio de Janeiro, 26th September, 1838.

ON the 21st ult we had the honour to inform your Lordship, that the question of the embargoes in the case of the "*Brilhante*" remained, and was likely to remain, *in statu quo*, till such time as instructions could be received from your Lordship. We are happy, however, to have now to report, that the Imperial Government has at length agreed to our proposal of the 2nd August, that "the present admission of embargoes shall not serve as a precedent for such a resource being allowed henceforward," and that, consequently, we have consented to consider those offered on behalf of the owners of the "*Brilhante*," and that the proceedings are in such progress, as promises the final decision of the case within a very few days.

The following are the circumstances which seem to have led to this result.

Having communicated to Her Majesty's Chargé d'Affaires the purport of our despatch to your Lordship, we received from that gentleman, on the 30th ultimo, an official letter, a copy of which, as also of the answer, which we lost no time in returning to it, we have the honour to enclose herewith.

To this no reply was sent; but in a casual interview, which Her Majesty's Commissary Judge had with Mr. Ouseley, on the 7th instant, great stress was laid on the inconvenience resulting from the refusal of Her Majesty's Com-

missioners to comply with the "official request" made to them by that functionary, and on the impediments which the course we were pursuing threw in the way of his negotiations with this Government.

This was accompanied by the intimation, that he considered we might, and ought to, be satisfied with the official assurance which he had given us, that the Imperial Government was willing to agree to the afore-mentioned proposal, without requiring the entry on our journals of a formal acquiescence in the same on the part of the Brazilian Commissioners.

Her Majesty's Commissary Judge replied, that no official assurance to that effect had yet been given to them; on the contrary, that, to that moment, his Brazilian Colleague, both for his Government and for himself, persisted in rejecting any such understanding; but that, if Mr. Ouseley felt himself authorised to give such an assurance in writing, Her Majesty's Commissioners would feel themselves at liberty to act upon it, and to proceed at once to decide the case of the "*Brilhante*."

That gentleman answered that he was prepared to do so; that he was to see the Minister for Foreign Affairs very shortly, and that, if he wished it, he did not doubt but that he should be able to obtain from his Excellency, for our satisfaction, a letter containing the assurance we required.

Till the 20th instant nothing further occurred; on that day we received from Mr. Ouseley the letter dated the 14th, a copy of which we have the honour to subjoin.

We lost no time in inviting the Brazilian Commissary Judge (who for some time had discontinued his attendance) to meet us, and, being prevented from doing so for two days by indisposition, we forwarded to him an extract from Mr. Ouseley's letter.

He attended, in consequence, on the 22nd instant, bringing with him an "*aviso*" from the Minister for Foreign Affairs, communicating the assent of the Imperial Government to the arrangement.

We have, &c.

(Signed)

GEORGE JACKSON.
FREDERICK GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

First Enclosure in No. 130.

Mr. Ouseley to Her Majesty's Commissioners.

GENTLEMEN,

Rio de Janeiro, 29th August, 1838.

I enclose a copy of a note that I have received from the Commander-in-Chief of Her Majesty's Naval Forces on this Station, respecting the case of the "*Brilhante*." I should be obliged by your enabling me to furnish the Commodore with the information he requires.

I have to acknowledge the receipt of your note of the 30th ultimo, in which you finally refuse to act in relation to the above case, in accordance with the official request, which, at your desire, as expressed in your note of the 9th July, I addressed to you.

I have, &c.

To Sir George Jackson and Frederick Grigg, Esq.,
&c. &c. &c.

(Signed)

W. G. OUSELEY.

Sub-Enclosure in No. 130.

Commodore Sullivan to Mr. Ouseley.

SIR,

Her Majesty's Ship "Stag,"

Rio de Janeiro, August 29th, 1838.

As the negroes on board the prize brigantine "*Brilhante*" are getting weak and sick, in consequence of so many being crowded together in a small space for such a length of time, I have the honour to request you will be pleased to inform me when it is likely a final decision will be passed on the above-mentioned brigantine, previous to her being taken care of by the proper authorities.

I have, &c.

(Signed)

J. B. SULLIVAN,

Commodore and Commander-in-Chief.

William Gore Ouseley, Esq.,
Her Britannic Majesty's Chargé d'Affaires,
&c. &c. &c.

P.S. 29 at present at the Hospital, with 3 more hospital cases; 6 have died at the hospital.

(Signed)

J. B. SULLIVAN, *Commodore.*

Second Enclosure in No. 130.

Her Majesty's Commissioners to Mr. Ouseley.

Sir,

Rio de Janeiro, 31st August, 1838.

WE received yesterday your letter of the 29th instant, enclosing one addressed to you by the Commander-in-Chief of Her Majesty's Naval Forces on this Station, respecting the case of the "*Brilhante*," and stating that you should be obliged by our enabling you to furnish the Commodore with the information he requires.

Having already put you in possession of all that has passed on this subject, and, specifically, of our minutes of the 8th instant, the only further information that it is in our power to furnish is that, up to yesterday, the Brazilian Commissary Judge declared himself to be without any fresh instructions respecting the case in question; and that unless you, Sir, can induce the Imperial Government to authorize their Commissioner to accede to the expedient which, in compliance with your wishes, we suggested at the sitting of the Court on the 2nd instant, and to join with us in a declaration that the resource of embargoes (if now permitted) is allowed for this time only, and that their reception, in this instance, shall form no precedent for the future; a course which both the Brazilian Commissioner and, as he himself declares, his Government, have hitherto distinctly refused, we have no alternative, as we conceive, but to abide strictly by the instructions received by us from Her Majesty's Principal Secretary of State, and to wait the final decision of his Lordship, in answer to our several reports of the way in which we have carried those instructions into execution.

In saying this, however, we would be understood to speak only of ourselves. The Court having, as we contend, duly given its final sentence in the case of the "*Brilhante*," in strict conformity with the Convention, it only remained for the Imperial Government to perform their part, and to carry that sentence faithfully and promptly into execution—a duty which, it appears to us, is manifestly incumbent upon them, and which we should rejoice to see you, Sir, as Her Majesty's representative at this Court, firmly urging upon their serious consideration. On this point, however, you must, of course, be the best judge; nor do we presume to offer an opinion. We have, therefore, in conclusion, only to add that you seem to have misunderstood the purport of our letter of the 9th July. A reference to it will show that we were very far from desiring you to make any such application as that conveyed in your letters of the 21st and 26th ultimo: the only official request we contemplated on your part being as explained in our letter of the 23rd, in the possible case of your being furnished with special instructions superseding those received by ourselves, or the existence of such a state of things as might, in our judgment, justify our deviating from them. On this latter view of the subject we explained ourselves fully in the above-mentioned letter of the 23rd.

We have, &c.
(Signed)

GEO. JACKSON.
FRED. GRIGG.

W. G. Ouseley, Esq.,
&c. &c. &c.

Third Enclosure in No. 130.

Mr. Ouseley to Her Majesty's Commissioners.

GENTLEMEN,

Rio de Janeiro, 14th September, 1838.

WITH reference to your latter notes to myself, as well as your verbal statements, to the effect that you did not consider yourself authorised to depart from the letter of your instructions, by admitting the embargoes in the case of the "*Brilhante*," unless you could be officially assured by me that such concession would not be regarded by the Imperial Government as a precedent in any future case, but was to leave the question of the reception or non-reception of the embargoes as free as if the case of the "*Brilhante*" had never occurred, it becomes my duty to inform you, that the Brazilian Minister for Foreign Affairs has officially assured me that he fully adheres to the above-mentioned arrangement, and that the Imperial Government do not consider the admission of the embargoes in this instance, as having any action on such future cases as may come before the Mixed Commission.

I, therefore, have again to repeat my official request that you will proceed, without any further avoidable delay, to the consideration of the embargoes in question, in the case of the "*Brilhante*," with a view to the ultimate execution of the sentence of your Court.

I have, &c.
(Signed)

W. G. OUSELEY.

To Her Majesty's Commissioners,
&c. &c. &c.

No. 131.

Her Majesty's Commissioners to Viscount Palmerston.—(Received November 30.)

MY LORD,

Rio de Janeiro, 26th September, 1838.

The "*Flor de Loanda*" returned to this port in a sinking state, after having been out four or five days, during which it was only with the utmost exertions of every soul on board that she could be kept afloat.

Providentially, the weather was moderate, or they must all have perished.

The owner, mate, and another, belonging to this vessel, were removed, in irons, on board the "*Buffalo*" transport, and sailed for England on the 16th instant.

These, and other particulars connected with this case, your Lordship will

doubtless learn from other quarters ; but we consider it not less incumbent upon us to report the fact as it has reached us.

In doing so, we cannot but deeply regret the various circumstances which have occurred with regard to this vessel, since the final sentence of the Court was given on the 19th June, and which have been of a nature to do more harm to our cause, and to indispose even those most favourable to the suppression of the traffic, than any event within our recollection.

We have, &c.
(Signed) GEORGE JACKSON.
FREDERICK GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 132.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, 5th December, 1838.

I HAVE received your Despatches up to that of the 24th September last.

I have referred to Her Majesty's Advocate-General your several Despatches upon the subject of the slave-vessel the "*Flor de Loanda*."

I have now to observe to you, that the "*Flor de Loanda*" was not provided with the certificate of registry required by the commercial code of 1833, to entitle a foreign-built vessel to be considered Portuguese, nor was she possessed of the passport required by the decree of the 10th December, 1836, to be carried by any vessel to the south of the Line, claiming protection under the Portuguese flag. On the contrary, many circumstances denoted that the vessel ought to be considered Brazilian, and that the slave trading expedition on which she was captured belonged to inhabitants of Brazil.

The person describing himself as owner and master of the vessel had been for several years a resident at Rio, and had purchased the vessel at that port; the passengers and others on board were connected with that place; the ship's papers were all furnished at Rio, and from the time when the "*Flor de Loanda*," which had been originally American, was purchased at Rio by a merchant resident in that place, her course of trade had uniformly been from Brazil to the Coast of Africa and back again; finally, she was captured close to Rio, and reasons, evidently not founded in truth, were given to account for her being found at the place where she was taken.

Under these circumstances the Mixed Commission Court would have been justified in attributing a Brazilian character to the "*Flor de Loanda*," and in dealing with that vessel, and with the slaves on board, accordingly.

I have, &c.
(Signed) PALMERSTON.

Her Majesty's Commissioners,
&c. &c. &c.

No. 133.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, 5th December, 1838.

I WISH, with reference to the last paragraph in your despatch of the 26th September, 1836, that you would explain to me how, and why, "the various circumstances which have occurred with regard to the "*Flor de Loanda*," since the final sentence of the Court was given on the 19th June, have been (as stated by you) of a nature to do more harm to our cause, and to indispose even those most favourable to the suppression of the traffic, than any event within your recollection."

I am, &c.
(Signed) PALMERSTON.

Her Majesty's Commissioners,
&c. &c. &c.

No. 134.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, 5th December, 1838.

WITH reference to previous correspondence on the subject of the establishment of a hulk at Rio de Janeiro, for the reception of negroes from on board of slave traders, captured by Her Majesty's ships, I herewith transmit to you copies of correspondence, which has passed between this office and the Admiralty, from which you will perceive that a vessel will be sent out to Rio for the purpose, so soon as a suitable ship can be provided.

I am, &c.
(Signed) PALMERSTON.

*Her Majesty's Commissioners,
&c. &c. &c.*

First Enclosure in No. 134.

Mr. Backhouse to Mr. Wood.

SIR,

Foreign Office, October 18th, 1838.

I HAVE received and laid before Viscount Palmerston the letter which you addressed to this office on the 26th ultimo, enclosing a communication from Commodore Sullivan, who represents the great inconvenience of providing for the custody of captured slaves on board her Majesty's ships at Rio de Janeiro, and who states that there appeared little probability that a safe deposit for these persons could be found on shore, and that Mr. Ouseley had failed in his application to the Brazilian government for a hulk for that purpose.

I am directed, with reference to this subject, to send you, for the information of the Lords Commissioners of the Admiralty, the enclosed copies of a correspondence transmitted to this office by Mr. Ouseley,* which shows that, however desirous the Brazilian Government may have been to afford the accommodation required, they had no vessel either of sufficient size or in an adequate state of repair to fit her for the service; and it appears to Lord Palmerston that the proposed arrangement cannot be carried into effect, unless the British Government shall be able to send out a hulk for the purpose.

The inconveniences which arise from detaining on board slave vessels, during the proceedings of the Mixed Court, the crews of those vessels, and the negroes found on board of them, are so serious, that Lord Palmerston is of opinion that Her Majesty's Government would be justified in incurring the expense of sending out such a hulk.

I am therefore to request that you will be pleased to lay this letter, with its enclosures, before the Lords Commissioners of the Admiralty, and will suggest to their Lordships the expediency of sending out a hulk, to be stationed as a receiving ship in the harbour of Rio de Janeiro.

This course has been successfully pursued at the Havana, on the refusal of the authorities at that port to allow the negroes, emancipated by decrees of the Mixed British and Spanish Court of Justice, to be landed, while waiting their removal to a British colony, and it would no doubt be equally efficacious at Rio de Janeiro.

*Charles Wood, Esq.
&c. &c.*

I am, &c.
(Signed) J. BACKHOUSE.

Second Enclosure in No. 134.

Sir John Barrow to Mr. Backhouse.

SIR,

Admiralty, November 23, 1838.

WITH reference to the correspondence which has taken place, in regard to the inconvenience of providing for the custody of captured slaves on board Her Majesty's ships at Rio de Janeiro, and more particularly to that part of your letter of the 13th of last month, suggesting the expediency of sending out a hulk to be stationed there as a receiving ship, I am commanded by my Lords Commissioners of the Admiralty to request that you will acquaint Viscount Palmerston, that a vessel will be sent for this purpose so soon as a fitting ship can be provided.

*J. Backhouse, Esq.
&c. &c.*

I am, &c.
(Signed) JOHN BARROW.

No. 135.

Viscount Palmerston to Sir George Jackson.

SIR,

Foreign Office, December 5th, 1838.

I REFER you to the following paragraph, contained in the letter dated February 28th, 1838, from Dr. William Cullen, a copy of which was transmitted to you with my despatch of the 18th of April, 1838:—

“The Brazilian Government advertise to time out the survivors on apprenticeship for 14 years.

* See Mr. Ouseley to Viscount Palmerston, dated Rio de Janeiro, July 26, 1838.

"Several Gentlemen, English and French, were most desirous to obtain some one, some two or more, of these apprentices; although numerous applications were made on the very day the advertisement appeared, no one was served but the parties who had the hiring of them, and their immediate friends. *The only Englishmen who obtained any were those belonging to the Mixed Commission.*"

I wish to have from you an explanation of your conduct in the transaction alluded to in the preceding paragraph; and especially as to the charge which appears to be therein implied, that you hired as apprentices negroes emancipated by the Mixed Commission.

(Signed) I am, &c.,
PALMERSTON.

Sir George Jackson,
&c. &c. &c.

No. 136.

Her Majesty's Commissioners to Viscount Palmerston—(Received December 17.)

MY LORD,

Rio de Janeiro, 1st October, 1838.

WE have the honour to transmit herewith, in original and translation, an extract from the Minutes of the Court of the 22nd September last, in which is recorded the assent of the Imperial Government to the provisional arrangement, under which this Commission consented to receive the embargoes offered in the case of the "*Brilhante*" and we have further to enclose a copy and translation of the definitive sentence of the Court in this case, delivered on the 26th ultimo.

We do not trouble your Lordship with the argument of the party offering these embargoes, which is very long; but you will readily perceive the only material points which it contains, from the comments made on it in the definitive sentence.

The necessary steps will now be adopted, without loss of time, for giving full effect to this sentence, and for emancipating the surviving Africans belonging to this vessel, to the number of 229, no more than 22 having been lost, by death or otherwise, during the period of nearly five months which have elapsed since her capture, according to the enclosed return from the prize-master.

It remains for us only to repeat our hope, that our conduct throughout this anxious and distressing case, will meet with the approbation of your Lordship.

We have, &c.
(Signed) GEORGE JACKSON.
FREDERICK GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

First Enclosure in No. 136.

(Translation.)

Minutes of Session of the 22nd September, 1838.

THE Brazilian Commissary Judge read an "Avizo," which the Minister and Secretary of State for Foreign Affairs addressed to him on the 17th instant, transmitting the copy of a despatch from Her Britannic Majesty's Chargé d'Affaires at this Court to the aforesaid Minister, referring to a letter which he intended to address to the British Commissioners, a copy of which was also annexed, which, being compared with that presented by the British Commissary Judge the preceding session, and being found to agree, the British Commissioners determined to receive and decide the embargoes in the case of the brig "*Brilhante*," in consequence of which it was agreed between them and the Brazilian Commissary Judge that the whole should be entered on the minutes of the day.

"Avizo" above referred to. Her Britannic Majesty's Chargé d'Affaires having communicated the instructions, of which a copy is inclosed, which he intended to address to the British Commissioners of the Mixed Brazilian and English Commission, established in this Court for the purpose of concluding the adjudication of the brig "*Brilhante*," and the same being found to agree with what the said Chargé d'Affaires settled with me, the Regent, *ad interim*, in the name of the Emperor, orders that you, on your part, observe what is determined in the aforesaid instructions.

Palace, 17th September, 1838.

God preserve, &c.

(Signed)

ANTONIO PEREGRINO MACIEL MONTEIRO.
SENHOR JOAO CARNEIRO DE CAMPOS.
BRAZ MARTINS COSTA PASSOS, *Secretary*.

A true copy.

(Signed)

Second Enclosure in No. 136.

(Translation.)

Definitive Sentence.

Entering into an examination of these embargoes, it is right to notice the very improper terms used by the person offering them, and which are such as might well justify the embargoes being sent back to be amended.

With this observation the Commissary Judges proceed to comment on one or two points of the embargoes, more, however, with a view of proclaiming the principles by which this Court of Mixed Commission is regulated, than for the weight which the objections to the embargoes are themselves entitled to.

The authority or jurisdiction of this commission to take cognizance of infractions, committed by the subjects of Portugal against the laws of their country, is here denied: without, however, entering into this question, suffice it to observe, that, in the sentence, such infraction was adverted to by the Court, not so much to call for punishment on the offenders, as to show that a vessel failing to comply with the dispositions of the maritime code of the nation whose flag she assumes, is, by that act alone, divested of all claim to be considered as belonging to it; and, further, such fact, once established, is a *prima facie* presumption, even though the real owner should remain undiscovered, that the vessel and cargo are the property of persons resident in the country where such vessel was originally fitted out.

With regard to the new matter now alleged to be adduced, it is only necessary to read the proceedings, with the slightest attention, to be convinced that the fact that the "*Corred*" in question sailed from hence for Itagoahy in January last, so far from being a new circumstance, is one of the grounds on which the sentence of condemnation is founded.

The Commissary Judges of the Mixed Commission, therefore, order, that, notwithstanding the above embargoes, which are not received because they contain nothing to controvert the grounds of the original sentence, the latter be put into execution in the form therein declared.

(Signed)

GEORGE JACKSON.

FREDERICK GRIGG.

Rio de Janeiro, 26th September, 1838.

JOAO CARNEIRO DE CAMPOS,

Dissentient as regards the nationality of the brig in question.

Third Enclosure in No. 136.

Slave brigantine "Brilliant," Rio de Janeiro, September 27th, 1838.

I hereby certify the following is a true statement of the slaves captured by Her Majesty's brig "*Wizard*," 18th May, 1838.

	Men.	Boys.	Women.	Girls.	Total.
Number of slaves on board	142	43	16	6	207
Number at the Hospital	9	2	9	2	22
Number of deaths on board since capture	7	1	1	.	9
Number of deaths at hospital since 19th July	9	1	1	.	11
Number missing on board . . . . .	.	1	.	.	1
Number missing at the hospital	1	.	.	.	1
Total					251

(Signed)

WILLIAM JOHNSTON,
Master's Assistant Prize Officer.

No. 137.

EXTRACT.—*Her Majesty's Commissioners to Viscount Palmerston.*—

(Received December 17.)

MY LORD,

Rio de Janeiro, 18th October, 1838.

ON the officer proceeding, according to the laws of this country, to intimate the sentence of the Court to the Master of the "*Brilhante*," and to the two Brazilian subjects found on board of her at the time of her capture, and convicted of piracy, in virtue of the First Article of the Convention of the 23rd November, 1826, it was found that they had all three been sent on shore to the hospital, and had made their escape.

On receiving the official return of the officer to this effect, the Court addressed a letter of inquiry to the Commodore, Commander-in-Chief, a copy of

which, together with copies of a correspondence which has ensued between that officer and the Commission, we have the honour to enclose herewith, in which your Lordship will see the confirmation of the return made respecting the three individuals in question.

First Enclosure in No. 137.

(Translation.)

MOST ILLUSTRIOUS SIR,

Rio de Janeiro, 9th October, 1838.

The Mixed Brazilian and English Commission being informed, by the return of their officer, that Antonio Jorge da Costa, the Master of the brig "*Brilhante*," João Antonio Correa, and Josefino Antonio Correa, are not on board the said brig, nor at the Marine hospital, where he was told that they were gone for medical treatment, having made their escape from the same Hospital, and the sentence, consequently, which condemned the said Correias, as Brazilian subjects, not having been intimated to them, the Commissary Judges request, Sir, that you will have the goodness to give them the necessary information on this point, the Commission not having received any communication whatever, respecting the transfer of these individuals from on board the prize to the Hospital.

God preserve, &c.

(Signed)

BRAZ MARTINS COSTA PASSOS, *Secretary*.Commodore Sullivan, C.B., *Commander-in-Chief*.

Second Enclosure in No. 137.

Commodore Sullivan to the Secretary of the Mixed Commission.

SIR,

Her Majesty's ship "*Stag*," Rio de Janeiro, 10th October, 1838.

I beg leave to acknowledge the receipt of your letter of yesterday's date, and, agreeably with the request of the Commissioners of the Mixed Brazilian and English Commission Court, herewith transmit all the information I have been able to obtain of the three persons therein mentioned, belonging to the slaver, "*Brilhante*," accompanied with a copy of the receipt of Simão José dos Santos, late chief-pilot of the "*Brilhante*," for Joao Antonio Correa, on his being sent to the hospital.

As the Mixed Commission Court, in its constitution, embraces an acquaintance with the English language, I may be permitted to intimate that it would tend to forward the service and facilitate correspondence, by making communications to me in that language.

I am, &c.

(Signed)

T. B. SULLIVAN, *Commodore and Commander-in-Chief*.Braz Martins Costa Passos, Esq., *Secretary to the Mixed,**Brazilian and English Commission Court.*

&c.

&c.

&c.

Notes respecting the three persons under-mentioned, of whom information is requested by the Mixed Commission Court, from Commodore Sullivan, 9th October, 1838.

Antonio Jorge da Costa, Master of the "*Brilliant*," appears to have been discharged from the books of Her Majesty's ship "*Stag*," to the hospital at Rio de Janeiro, on the 11th July last.

Joao Antonio Correa, it appears, was a passenger on board the "*Brilliant*," and, being afflicted with pneumonia, the Assistant-Surgeon recommended his being sent on shore, which was accordingly done, a receipt having been given for him, (as per accompanying copy) with an engagement to deliver him to the proper authorities when called upon, by Simão José dos Santos, chief pilot of the "*Brilliant*," and countersigned by Correa on 29th June last. This Dos Santos was also afterwards sent to the hospital.

Josefin Antonio Correa, also a passenger on board the "*Brilliant*," was likewise sent to the hospital, but escaped on his way thither, and no further account has been had of him.

(Signed)

T. B. SULLIVAN, *Commodore*.

Third Enclosure in No. 137.

(Translation.)

The Secretary to the Mixed Commission to Commodore Sullivan.

MOST ILLUSTRIOUS SIR,

Rio de Janeiro, 11th October, 1838.

HAVING laid before the Mixed Brazilian and English Commission the letter of the 10th instant, which, in reply to mine of the preceding day, you addressed to me, respecting the information requested by the Commission, touching the Master of the brig "*Brilhante*," and the two Correias, who came in the same brig, who, it appears, have made their escape, I have to inform you, Sir, that the Commissary Judges, desiring to avoid in future the recurrence of circumstances of this nature, hope that you

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will have the goodness not to permit the landing of individuals similarly situated, without previous communication with the Commission, in order to their taking the necessary steps respecting them, conformably to the laws of the country.

As regards the desire expressed by you, Sir, that my letters should be written in English, I am directed by the Commission to reply that, the Convention stipulating that the whole proceedings of the Commission should be carried on in the language of the country, and that the Secretary should be a Brazilian, the Commission regret their inability to comply with your suggestion, the more so, as they are at present without any actual Interpreter.

God preserve, &c.

(Signed)

BRAZ MARTIN COSTA PASSOS, Secretary.

Commodore Sullivan, &c. &c. &c.

Fourth Enclosure in No. 137.

Commodore Sullivan to the Secretary of the Mixed Commission.

SIR,

Her Majesty's Ship "Stag," Rio de Janeiro, 12th October, 1838.

I HAVE the honour to acknowledge the receipt of your letter, wherein you say the Commissioners request that I will not in future allow any one to make their escape.

I beg their Excellencies, the Commissioners, will understand I have not allowed any one to make their escape; but when individuals sent here from vessels detained, as in the present instance, are afflicted with the same disease, I cannot think of allowing it to be communicated to my ship's company, but send them to the hospital. The authorities of the place must be held responsible for the escape of any of them.

I have, &c.

(Signed)

T. B. SULLIVAN,

Commodore and Commander in Chief.

BRAZ MARTINS COSTA PASSOS, ESQ.,

Secretary to the Mixed Brazilian and English Commission Court.

Fifth Enclosure in No. 137.

(Translation.)

The Secretary to the Mixed Commission to Commodore Sullivan.

I have the honour to acknowledge the receipt of the letter, which you addressed to me on the 12th instant; and having laid the same before the Commissary Judges of the Mixed Brazilian and English Commission, they have directed me to make the following observations.

In reply to the letter of inquiry addressed to you on the 9th by the Commission, with a view to the due execution of its sentence in the case of the "*Brilhante*," you transmitted, as containing all the information you had been able to obtain of the Master of the same, and of the two Correas, certain notes, from which it appears that they were all three sent on shore.

In their answer, the Court neither stopped to rectify the mistake of calling one of these Correas a passenger, when, in fact, he is rated in the muster-roll as carpenter, nor allowed themselves to call in question either the authority or the necessity under which the removal of these individuals from on board the Prize took place; but taking your statement as they found it, they contented themselves with expressing a hope, that in order to avoid similar occurrences in future, you would have the goodness not to allow individuals in like circumstances to be landed, without previous communication with the Court, with a view to their taking the proper steps regarding them, conformably with the laws of the country.

You will thus, Sir, perceive that the Commissioners by no means imputed to you the "having allowed any one to make his escape," at the same time they cannot refrain from observing, that they were the less prepared for what has occurred, as on a representation being forwarded to you by them from the Master of the "*Flor de Loanda*," stating him to be dangerously ill, and requesting on that account to be allowed to land, you declined permitting it, unless the Commission would become answerable for his reappearance when called upon.

In the first case, no sentence of condemnation had been passed, and the life of the Master was said to be in danger; in the other, the parties suffering only from asthma had been pronounced guilty of piracy. In the former instance, the party was put in irons more than once; in the latter, released on the word of two interested individuals.

It is true, that when once any one is legally delivered over to a Brazilian authority, that authority becomes responsible for him; but in the case of Josefino Antonio Correa, it appears from your statement, Sir, that he escaped, while on his way from on board ship to the hospital.

God preserve, &c.

(Signed)

BRAZ MARTINS COSTA PASSOS, Secretary.

Rio de Janeiro, 16th October, 1838.

Commodore Sullivan.

&c. &c. &c.

No. 138.

Her Majesty's Commissioners to Viscount Palmerston—(Received December 17.)

MY LORD,

Rio de Janeiro, 24th October, 1838.

WE have the satisfaction of enclosing to your Lordship, herewith, a copy and translation of a "portaria," dated 19th instant, addressed by the

Minister for Foreign Affairs to the Brazilian Commissioner, ordering them to regulate themselves by your Lordship's instruction to us of the 30th April last, a copy of which we communicated to our colleagues, and entered on our Minutes at the time of its receipt.

This "portaria" was presented yesterday, and will forthwith be officially published; and we have little doubt that we shall soon have to congratulate your Lordship on the beneficial results of this measure; provided only Her Majesty's naval commanders be instructed and empowered to give effect to it.

We have, &c.
(Signed)

GEORGE JACKSON.
FREDERICK GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 138.

(Translation.)

HER Britannic Majesty's Chargé d'Affaires having, in the note, of which the inclosed is a translation, requested the Imperial Government to give the necessary orders to the Brazilian Commissioners of the Mixed Brazilian and English Commission resident in this city, in order that, in adjudicating vessels captured under the Flag of Portugal, bringing slaves from the Coast of Africa, they should regulate themselves by the instructions (a translation of which is also enclosed) which the British Government has given to its Commissioners; and the Regent, in the name of the Emperor, being desirous of giving yet another proof of how much he strives to cause the cessation of a traffic, as odious as it is inhuman, orders by the Secretary of State for Foreign Affairs, that the aforesaid Brazilian Commissioners, having in view the Convention of the 23rd of November, 1826, between this Empire and the kingdom of Great Britain and Ireland, take cognizance of all vessels belonging to Brazilian subjects, or to Portuguese, resident in Brazil, that may be captured, with slaves on board, from the Coast of Africa, even though covered with the Portuguese Flag, those vessels only being excepted from this rule, which may have been built in the Ports of the Dominions of Her Most Faithful Majesty, or shall have borne the Flag of Portugal, and of no other nation, prior to the Decree of the 16th of January, 1837, as also the steam-boats purchased within three years from the date of the said Decree, belonging to Portuguese subjects, and navigated according to the laws of Portugal.

(Signed)

ANTONIO PEREIRA MACIEL MONTEIRO.

Palace, Rio de Janeiro, 19th October, 1838.

No. 139.

Her Majesty's Commissioners to Viscount Palmerston.—(Received December 17.)

MY LORD,

Rio de Janeiro, 27th October, 1838.

AFTER a protracted Session, the Legislative Chambers have closed without taking a single step with reference to the suppression of the Slave Trade; and, if the repeal, hitherto so loudly called for, of the law 7th November, 1831, has not been proposed, it may be said to be only because it has become so completely and notoriously a dead letter, that those in favour of the traffic have considered, that their views would be better answered by allowing such a semblance of restriction to exist, than by risking that agitation of the question, which insisting on the repeal of the law might have caused.

Thus, although a few words have occasionally passed in the House of Deputies, on the subject of the traffic, and though the dangers resulting therefrom, may have been incidentally alluded to, no serious attempt has been made by either party, to bring the question forward, nor to take up the Bill sent last year from the Senate, under the auspices of the Marquis Barbacena, who has, moreover, himself refrained, throughout the whole Session, from even adverting to the subject.

When, in addition to this, your Lordship is informed of the decided majority which the present Executive have obtained in both Houses, a majority which has enabled them to carry triumphantly every measure they have thought fit to propose, you will at once see how hopeless must be the expectation of the adoption of any measure whatever, tending to repress the traffic in this country, so long, at least, as its councils shall be under the direction of the present leading member of the Administration, who may be said to be now Regent, *de facto*, and would, in virtue of his office, as Minister of the Empire, become so, *de jure*, in case of any thing happening during the next four years, to Senhor Pedro de Arango Lima, who has just been proclaimed Regent for that period.

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Indeed, unless the whole subject be put upon another footing, and the disposal of the Africans, when nominally emancipated, shall be differently ordered, little or no benefit, we consider, to the cause of humanity, can result from the sacrifices made, or making by Great Britain, to suppress the Brazilian Slave Trade.

In the case of the late prizes, the negroes have been sought after with an avidity, to be explained only by the impression universally abroad, that, when once obtained, those hiring their services would be called to no very strict account, as to what might eventually become of them. Senators and Deputies have vied with each other in endeavours to obtain them, and their distribution has been converted into a means of favouring political adherents.

According to the original regulations, no black, so emancipated, was allowed to be hired out, beyond the limits of the municipality; lately a licence appeared in the "Correio Official," in the name of the Emperor, and signed by the minister of justice, granting permission to a deputy to take a considerable number of them, with him, to his own province, that of Pernambuco. It is true that this permission was embodied in a recommendation to the President of that province to attend to the proper treatment &c. of these negroes; but it is evident that this was a mere illusory form, and that, under the present system, and with the feelings prevalent on this subject in Brazil, little distinction can be made between these negroes and those bought in the market, beyond the saving of the purchase money to the receivers of them, and the difficulty of their being sold to another master.

We close this Report with returns of vessels, which have sailed from this port for the Coast of Africa, and have arrived thence in ballast, during the last four months. The arrivals, amounting to 26, have all been under the flag of Portugal, and with only three exceptions, the departures, to the number of 34, have been so likewise; and in these cases there is little doubt, that the vessels will get a fresh set of papers from some Portuguese authority or other, before returning to this port.

For a moment the speculators seemed to be paralysed by the three successive captures made by the "Rover," and "Wizard," and by the intended increase of Her Majesty's cruisers off this coast, which, about that time, was announced in the public journals; but this alarm soon wore off, and has ended only, as your Lordship will perceive, in a still greater number of adventures, and with no other check than an increased rate of premium, perhaps, demanded for insurance. An examination of the returns of this year exhibits the same vessels, with only a trifling difference of the tonnage declared, entering and sailing again from this port in a shorter time than an ordinary merchant vessel would require; and if we apply the usual calculation to these slave ships, namely, three souls on an average per ton, it will appear that very nearly 13,000 Africans have been imported into this province alone, within the last four months, and that not less than 21,000 may be expected from the return voyages.

We have, &c.

(Signed)

GEORGE JACKSON.
FREDERICK GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

First Enclosure in No. 139.

Return of Vessels which have sailed from Rio de Janeiro for the Coast of Africa, during the Months of July, August, September, and October.

Date	Name	Tonnage	Whither bound.
1838. July 12th	Venus	178	Azores and Africa
„ 14th	Andorinha	127	Benguela
„ 17th	Esperança	213	Goa and Ports of Africa
„ 28th	Feliz	124	Cabo Verde and Africa
„ 30th	Desengano	213	Goa and Ports of Africa
August 11th	Saude	230	Goa
„ 18th	Esperança	243	Goa and Ports of Africa
„ „	St. Domingo Eneas	169	Cape de Verds and Ports of Africa
„ 20th	Monte Deserto	191	Lisbon by Africa
„ 26th	Carolina	296	Goa and Ports of Africa
„ „	Principe Auguste	191	Ditto ditto
„ 28th	Jehovah	228	Cabo Verde and Ports of Africa
„ „	Espaculador	90	Ditto ditto
September 4th	Ulysses	340	Ditto ditto
„ 5th	Tres Corações	495	Ditto ditto
„ „	Providencia	127	Goa and Africa
„ 6th	Resolução	341	Ditto
„ 8th	Constante	249	Quilimane
„ 9th	Brilhante	124	Cabo Verde and Ports of Africa
„ 12th	Halcyon (American)	197	Cabo Verde
„ 16th	{ Visconde de Sá de Bandeira }	122	{ Azores }
„ 16th	Amizade Constante	240	Goa and Africa
„ 17th	Relampago	152	Cabo Verde and Africa
„ „	Adamastor	199	Goa and Africa
„ 23rd	Lisia (Brazilian)	150	Benguela and Angola
„ „	Dous Triunfos (do)	155	Cabo Verde and Africa
„ „	Andaz	259	Ditto ditto
October 3rd	Dous de Ferreira	169	Ditto ditto
„ „	Amizade Constante	240	Goa and Africa
„ 7th	Veloz	218	Cabo Verde and Africa
„ 8th	Angerona	115	Ditto ditto
„ 21st	Emilia	337	Lisbon by Africa
„ 25th	Mariana	99	Benguela
„ 26th	General Cabrera	192	Cabo Verde and Africa
	31 Portuguese 2 Brazilian 1 American	7013	

Second Enclosure in No. 139.

Vessels which have arrived at Rio de Janeiro from the Coast of Africa, in ballast, during the Months of July, August, September, and October.

Date.	Name.	Tonnage.	Whence.
1838. July 1st	Relampago	152	Zaire
„ 12th	Angerona	116	Angola
„ 13th	Brilhante	180	Quilimane
„ 18th	Nova Piedade	227	Angola
„ 26th	Providencia	96	Mozambique
„ 27th	Commodore	210	Ditto
August 4th	Rosa	176	Angola
„ 23rd	Dous de Ferreiro	198	Ditto
„ 27th	Veloz	248	Ditto
September 1st	Tentador	200	Ditto
„ 4th	Asseiceira	182	Ditto
„ 9th	Jupiter	152	Cabinda
„ 11th	Bellona	100	Zaire
„ 17th	Dous de Abril	156	Ditto
„ 19th	Ascanio	160	Cabinda
„ 23rd	General Cabrera	180	Angola
„ „	Josefina	97	Benguela
„ 27th	Innocente	100	Angola
October 1st	Mariana	75	Benguela
„ „	Dous de Outerbro	201	Mozambique
„ 5th	Maria Segunda	109	Angola
„ 7th	Maria Virginia	232	St. Thomas
„ „	Novo Destino	200	Quilimane
„ 8th	Almeida	200	Angola
„ 18th	Firmeza	170	Zaire
„ 23rd	Ouze de Novembro	150	Angola
	26 vessels	4281	

No. 140.

Her Majesty's Commissioners to Viscount Palmerston.—
(Received January 7, 1839.)

(EXTRACT.)

Rio de Janeiro, 12th November, 1838.

THE Court having received a reply from the Commodore to their letter of the 16th ultimo, we think it our duty to enclose to your Lordship a copy of it.

Enclosure in No. 140.

Commander Sullivan to the Secretary of the Mixed Commission.

SIR,

H. M. S. "Stag," Bahia, 27th October, 1838.

IN acknowledging the honour of the receipt of your letter of the 16th instant, referring to the late correspondence between the Mixed Commission Court and myself, relative to the master and others on board the "*Brilhante*," I beg leave to offer the few following observations, as affording the only explanation which now appears necessary upon this subject.

The Commissioners are in possession of my reasons for sending the parties in question on shore, and acquiesce in my opinion that, when once delivered over to the Brazilian authorities, they are responsible for their security. In the case of Josefino Antonio Correias this responsibility was truly not incurred, the officer who took him on shore not being able, after taking him to the hospital, immediately to find the proper officer to give charge of him, and whilst proceeding to the dock-yard to the Intendente, the man effected his escape, an accident not unfrequent with persons practised in the custody of culprits.

I cordially accept the admission of the Commissioners that I did not, in this instance, exceed the limits of my authority; or afford a latitude to impute to me a want of due caution to prevent escape; and I candidly admit the pertinency of their suggestion of my communicating with them on any future occasion to prevent its recurrence, in which, or any other measure that could tend to the attainment of the ends of justice, they might rely on my entire co-operation.

The surgeon of the "Stag" not concurring with the master's representation of his health requiring his removal to hospital, was my reason for not granting this permission in the first instance, and my subsequently requiring a guarantee for his appearance when necessary, there having been no sentence of condemnation, arose from the importance of his evidence to that end—a consideration that did not bear equally upon the other parties.

In my desire to give all possible information to the Commissioners I was led to the inquiry of circumstances which, as well as that of the men alluded to being put in irons, took place prior to my arrival at Rio de Janeiro.

I have, &c.

(Signed)

T. B. SULLIVAN,

Commodore and Commander-in-Chief.

*Braz Martins Costa Passos, Esq., Secretary to the Mixed
 Brazilian and English Commission Court, Rio de
 Janeiro.*

No. 141.

Her Majesty's Commissioners to Viscount Palmerston.—
(Received January 7th, 1839.)

MY LORD,

Rio de Janeiro, 13th November, 1838.

As everything on the subject of the Slave Trade, more especially when proceeding from the pen of the adherents of this Government, can hardly fail to merit your Lordship's attention, we have made translations of two articles which have appeared in a Government, though not the official, paper, which we have the honour to enclose.

The former accompanied the publication of your Lordship's instruction of the 30th April, 1838, and, while professing to approve the principles which dictated that measure, and to wonder that Portugal should not herself have been the first to solicit its adoption, it distinctly avows the belief, that the contraband traffickers will find means to elude whatever good results may be expected from it, in putting down the trade.

The latter refers to a report that Great Britain intended to blockade the ports of Brazil, in consequence of the continuance of the traffic on those coasts, and in a tone at once deprecatory and ironical, gives the writer's reasons for not believing that England would resort to such a measure—attributing her denunciation of the trade to interested motives, and its continuance, in violation of the laws of this country, not to the government of Brazil, but to the interest of speculators, and to popular prejudices.

The ground for disbelieving the report is, that such a measure, though avowedly most prejudicial to this empire, would be not less so to Great Britain; almost the whole commerce of Brazil being in the hands of the English.

We have, &c.

(Signed)

GEORGE JACKSON.
FREDERICK GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

First Enclosure in No. 141.

(Translation.)

Extract from the "Correio Official."

VARIOUS communications from the Minister of Her Britannic Majesty, to the Brazilian Government, were published in the "Correio Official" of yesterday, and in virtue of them, a "Portaria," ordering the Brazilian Commissioners of the Mixed Brazilian and English Commission to take cognizance of all vessels, captured with slaves on board from the Coast of Africa, although covered with the flag of Portugal.

Among the motives which the Regent, in the name of the Emperor, mentions, as influencing him to issue this "Portaria," he intimates the desire to give yet another proof of how much he strives to cause the cessation of a traffic, as odious as it is inhuman.

The illicit traffic in Africans, which has eluded all the vigilance of the authorities, not only of Brazil, but also of all the most civilized countries, such as England and France, fostered as it is by the prejudices of the people, who, for many years, have sought from Africa those who should minister to the most laborious and degrading services of life, the illicit traffic, we said, will elude this new obstacle which the Government of Brazil, in concert with that of England, opposes to it. This new measure, however, will have at least this infallible result, that of putting a stop to the scandal with which worthless traffickers abuse the flag of (another) nation, making it serve as a cover to its attacks against humanity. The speculator will now derive no benefit from going about, like the bat in the fable, calling himself at one time a mouse, at another a bird, according to his convenience; and the scandal will cease of seeing a vessel to-day Portuguese, which was yesterday Brazilian.

The Portuguese crown, the most interested, doubtless, in this business, because it concerns the protection of her flag, and which neither England nor Brazil will any longer respect, when covering so criminal a traffic, will certainly have no ground for complaint, because this agreement not only does not wound her dignity, but even defends it against the insults offered to it by the barbarity and inhuman speculations of individuals, who belong to no nation.

If in this business there be any thing to surprise us, it is that the Portuguese nation, knowing the shameful abuse which was making of its flag, was not the first to solicit the adoption of the measure which has just been taken.

God grant that the good results which many, doubtless, expect from it, may arise. God grant that the interests of these contraband traffickers may not elude this fresh check, as they have done all others.

Second Enclosure in No. 141.

(Translation.)

Extract from the "Correio Official."

IN a list of blockaded ports, those of Brazil are enumerated, as to be blockaded by England, on account of the trade in slaves.

We are persuaded that our well-beloved ally, England, will not take such a step.

First, Because England cannot but acknowledge that the Governments of Brazil representing the nation have spared no pains, in their foreign relations, to repress this traffic, against which England, because she has no occasion for it for her colonies, has so strenuously declared herself, it not being the fault of these Governments, if the interests of certain speculators and popular prejudices favour the violation of the laws of the country, and elude the vigilance of the authorities.

Second, Because England well knows that an efficient blockade of the ports of Brazil, though most prejudicial to the empire, would be still more so to herself; for she is not ignorant that the major part of the articles consumed in Brazil are the product of her manufactures, and that almost the whole commerce of Brazil is in the hands of the English.

To France, whose very limited trade barely consists of bottles of perfumery, pomades, hair, and the fashions, it might be permitted to interrupt her mercantile relations, of little more value than the above, with this or that state of America—but England, who has so great a capital in circulation here!—Oh! she will certainly think twice before she takes such a step. Her interests are our security against her ambition—against her friendship.

SURINAM.

No. 142.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, May 24, 1838.

I herewith transmit, for your information, five copies of two series of Papers relating to the Slave Trade, which have been presented to the two Houses of Parliament, during the present Session, by Her Majesty's command.

I am, &c.

Her Majesty's Commissioners,
&c. &c. &c.

(Signed) PALMERSTON.

No. 143.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, June 9, 1838.

I herewith transmit to you the copy of a Resolution, which was voted unanimously by the House of Commons on the 10th of May, 1838, for an Address to Her Majesty upon the Slave Trade, and a copy of the Answer, which, on the 25th of the same month, Her Majesty was pleased to return to that Address.

You will see from these Papers the unceasing and anxious desire, of the Parliament and Government of this country, for the extinction of the traffic in slaves.

I am, &c.

Her Majesty's Commissioners,
&c. &c. &c.

(Signed) PALMERSTON.

No. 144.

Her Majesty's Judge to Viscount Palmerston.—(Received July 27.)

MY LORD,

Surinam, June 5, 1838.

I have the honour to announce to your Lordship, that his Excellency the Governor-General, Baron Van Hiekeren, having obtained leave of absence to return to Europe, has this day resigned the government of these possessions to the Procureur-General, M. Philip de Kanter, who is the officer next in seniority to assume the functions, *ad interim*.

Mr. H. R. Hayunga, his Netherlands Majesty's Commissary Judge, having likewise returned to Europe, under similar circumstances, Mr. de Kanter has signified to me his intention at an early day to take upon himself the duties of that office in this commission.

I shall take the first opportunity to report to your Lordship that gentleman having taken the prescribed oath, for the due performance of his duties as his Netherlands Majesty's Commissary Judge, *ad interim*.

I have, &c.

The Right Hon. Viscount Palmerston,
&c. &c. &c.

(Signed) JOHN SAMO.

No. 145.

Her Majesty's Judge to Viscount Palmerston.—(Received July 27.)

MY LORD,

Surinam, 6th June, 1838.

I am honoured by the receipt of your Lordship's despatch of the 19th March last, in which your Lordship announces, that the Lords Commissioners of the Admiralty had issued instructions to the captains and commanders of Her Majesty's ships and vessels of war, to discontinue the practice of taking from vessels detained by them, under treaties with foreign powers for the suppression of the Slave Trade, articles relating to navigation.

I beg most respectfully to return to your Lordship my best acknowledgments for this information.

I have, &c.

(Signed)

JOHN SAMO.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

No. 146.

Her Majesty's Judge to Viscount Palmerston.—(Received August 28th.)

MY LORD,

Surinam, June 28th, 1838.

I HAVE the honour to acquaint your Lordship, that Her Majesty's sloop of war "Satellite," Commander John Robb, sailed from hence, this day, for Barbadoes, having on board Mr. Campbell J. Dalrymple, Her Majesty's Commissioner of Arbitration.

Mr. Dalrymple had previously intimated to the Members of this Commission, that Her Majesty has been graciously pleased to appoint him one of her Commissioners at the Havana.

I have, &c.

(Signed)

JOHN SAMO.

The Viscount Palmerston, G.C.B.

&c.

&c.

&c.

No. 147.

Her Majesty's Judge to Viscount Palmerston.—(Received August 25.)

MY LORD,

Surinam, 5th July, 1838.

I HAVE the honour to announce to your Lordship, that his Excellency the Acting Governor-General, P. de Kanter, having this day taken the prescribed oath before the principal magistrate in the colony, has assumed the functions of His Netherlands Majesty's Commissary Judge *ad interim*.

Mr. George de Veer, the Secretary and Registrar to this Commission, having been permitted to resign his office, that gentleman introduced to the Court Mr. John Ellis, who produced his appointment from the Governor-General of these possessions, to fill that situation until the pleasure of His Netherlands Majesty shall be known. The Court having administered to that gentleman the prescribed oath, Mr. John Ellis has this day entered upon the duties of his office, in the Netherlands and British Mixed Court of Justice.

I have, &c.

(Signed)

JOHN SAMO.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

No. 148.

Her Majesty's Judge to Viscount Palmerston.—(Received December 13.)

MY LORD,

Surinam, 3rd September, 1838.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, transmitting six copies of an Additional Article to the existing Treaty

between Great Britain and the Netherlands, for the prevention of the traffic in slaves, which Article had been ratified at the Hague on the 27th February, 1837.

I have, &c.

(Signed)

JOHN SAMO.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

No. 149.

Her Majesty's Judge to Viscount Palmerston.—(Received December 13.)

MY LORD,

Surinam, 3rd September, 1838.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, transmitting two printed copies of a Treaty by which the Hanse Towns have acceded to the conventions between His late Majesty and the King of the French, for the more effectual suppression of the Slave Trade, and likewise two printed copies of a Treaty, by which the Grand Duke of Tuscany has acceded to the said conventions.

I have, &c.

(Signed)

JOHN SAMO.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

No. 150.

Her Majesty's Judge to Viscount Palmerston.—(Received December 13.)

MY LORD,

Surinam, 1st October, 1838.

YOUR Lordship's despatch, dated May 28th last, together with five copies of the printed papers relating to the Slave Trade, which had been presented to both Houses of Parliament by Her Majesty's command, has been received.

Copies of these highly interesting and instructive documents have been placed amongst the archives of this Commission.

I have, &c.

(Signed)

JOHN SAMO.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

No. 151.

Her Majesty's Judge to Viscount Palmerston.—(Received December 13.)

MY LORD,

Surinam, 1st October, 1838.

I AM honoured with the receipt of your Lordship's despatch, transmitting to Her Majesty's Commissioners a copy of an unanimous resolution, voted by the House of Commons, for an Address to Her Majesty upon the Slave Trade; and likewise a copy of the Answer, which Her Majesty was pleased to return to that Address.

I submitted these papers for the perusal of my Foreign Colleagues in this Commission, who most cordially respond to the feelings of the British Parliament and Government, in desiring the entire extinction of the odious traffic in slaves.

I have, &c.

(Signed)

JOHN SAMO.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Class B.

CORRESPONDENCE

WITH

F O R E I G N P O W E R S,

RELATING TO

THE SLAVE TRADE.

1839.

Class B.

CORRESPONDENCE

WITH

SPAIN, PORTUGAL,

BRAZIL, THE NETHERLANDS, AND SWEDEN,

RELATIVE TO

THE SLAVE TRADE.

From May 1, 1838, to February 2, 1839, inclusive.

Presented to both Houses of Parliament by Command of Her Majesty,
1839.

LONDON :

PRINTED BY WILLIAM CLOWES AND SONS, STAMFORD STREET,
FOR HER MAJESTY'S STATIONERY OFFICE.

1839.

Class B.—1838-9.

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1. Viscount Palmerston to Sir George Villiers	Jan. 11		M-treatment of British sub-	

A Further Series of these Papers, containing Correspondence from February 9, to May 31, 1839, will be delivered in a few days.

ERRATA.

Page 141, line 15 from bottom, for "1835" read "1836."
 " 147 " 16 " for "1834" read "1837."
 " 163 " 15 " for "Preamble, as it stood in British Draft" read "British Draft."
 " 169 " 1, the same correction.
 " 170 " 1, the same correction.
 " 172 " 7, for "others" read "other."
 " 177 " 5, for "eastward" read "east."
 " " 8, for "a proposal to be made" read "a proposal is to be made."
 " " 9, for "the article to be altered" read "the article is to be altered."
 " 190 " 14 from bottom, the word "prospect" should be in Roman characters.
 " " 12 from bottom, for "being party" read "having been a party."
 " 205 " 21 from bottom, for "singing" read "signing."
 " 219 " 21, for "two" read "three."
 " " 29, for "seems" read "seem."
 " 245, col. 1, line 2, for "would have this result," read "would as they stand have this result."
 " 255, 263, 265, 269. 271, 273, 275 — The first column in these pages should be wholly in Roman characters.
 " 263, col. 1, line 12, for "Portuguese should" read "Portuguese Government should."

Page 265, col. 1, line 1, insert a comma after the word "through."
 " 271, col. 1, line 7, for "Loander," read "Loanda."
 " " 1, " 11, for "Cruiser might their lie idle" read "Cruisers might thus lie idle."
 " " 1, " 12, for "Cruiser" read "Cruisers."
 " " 1, " 21, for "with letter" read "with the letter."
 " 304, line 31, insert a comma after "and if he had done so."
 " 337, line 12, for "principl" read "principle."
 " 338 " 10 from bottom, for "Viscount de S" read "Viscount de Sa."
 " 347, line 14 from bottom, for "wills ate" read "will state."
 " 348, line 19, insert a semicolon instead of the comma after "Treaties."
 " 248, line 28, for "the only difference," read "the main difference."
 " 349, line 9, for "these-ire" read "the desire."
 " 349 " 18, insert a semicolon instead of the comma after "Trade."
 " 427, line 10 from bottom, for "only effective steps," read "most effective steps."

23. Viscount Palmerston to Sir George Villiers - July 11
 Two Enclosures

24. Sir George Villiers to Viscount Palmerston - July 7 July 16
 One Enclosure

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CORRESPONDENCE

WITH

FOREIGN POWERS.

SPAIN.

No. I.

Viscount Palmerston to Sir G. Villiers.

SIR,

Foreign Office, 11th January, 1838.

I HEREWITH transmit to you copies of a Despatch, and of its Enclosures from Mr. Hardy, Her Majesty's Consul at St. Jago de Cuba, relative to the case of Mr. John Campbell, a British subject, who appears to have been unjustly imprisoned by the Spanish authorities at Manzanillo, and subjected to gross and unmerited severity, for no other reason that has yet been assigned, but that he had been landed on the coast, near Manzanillo, unprovided with a passport.

I also enclose a copy of a letter from Mr. John Campbell to me, covering a copy of the memorial already transmitted in Mr. Hardy's despatch; I likewise send, for your information and guidance, a copy of a report from Her Majesty's Advocate-General upon this case; and I have to instruct you to make a suitable representation thereupon to the Spanish Government. You will call upon them to institute a rigorous inquiry into the extraordinary conduct of the Authorities of Cuba towards Mr. Campbell, as represented in his memorial; and you will state to them, that Her Majesty's Government, as at present informed, consider Mr. Campbell entitled to call upon them for compensation for the severities of which he complains.

Sir George Villiers, G.C.B.

&c. &c. &c.

I am, &c.,

(Signed) PALMERSTON.

First Enclosure in No. 1.

Mr. Hardy to Viscount Palmerston.

MY LORD,

British Consulate, St. Jago de Cuba, September 18th, 1837.

I HAVE the honour to transmit to your Lordship, at the request of Mr. John Campbell, a British subject, a memorial containing a statement of grievances suffered by him at the hands of the Authorities of Manzanillo, a rising port on the south side of this island, and within the jurisdiction of the Governor of this province. I beg, at the same time, to bring under your Lordship's notice the following relation of the conduct I pursued on the occasion, and the consequences with which it was followed.

On the 23rd or 24th of July I received by the mail a letter from Mr. Campbell, complaining that he had been incarcerated at Manzanillo, from no other cause than that of having been landed on the coast in the vicinity of that place without a passport, and earnestly claiming my interference in his behalf. Entertaining the hope that Mr. Campbell would, as is the usual practice on all similar occasions, be sent up at once to this city, and knowing full well that the attention of the heads of the province was entirely absorbed in proceedings connected with the late revolutionary movements, I refrained from calling on the Governor, *ad interim*, Señor Don Juan de Moya, until the 9th day of August, when I considered that his tribunal had had ample time to adjust the question. His Excellency listened attentively to my exposition, to my translation of Mr. Campbell's letter, and

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assured me that not a vestige of an accusation existed against him, but that, his case having given rise to a question of jurisdiction between the civil and naval authority of Manzanillo, it had become necessary to recur to the Government assessor here, Don Zeferino Pizarro, who had had the documents before him on that, the 11th, day, and yet had not dispatched them, from the multiplicity of his avocations, and his well-known inertness in the discharge of his duty. On my complaining that on a question like this, which became international, the assessor should consider Campbell's case one of mere routine, Señor Don Juan de Moya recommended my calling on the assessor, and requesting him to do me the favour of issuing his edict, which I declined, stating, at the same time, that I could not call upon that functionary to concede to me as a favour that which I considered to be my right; but that as Campbell, from the tenor of this letter, appeared to be a well-educated man, he would confer a personal obligation on me in instructing the proper authority, by the ensuing day's post, to treat him with mildness. I wrote to that effect to John Campbell, on the 10th of August. On the 20th I received another letter from that individual, and called on the Governor on the ensuing day, when a scene took place which, to my knowledge, stands unparalleled, even in the recitals we have had, from time to time, of the conduct of the Barbary Powers towards the agents of Foreign Governments resident within their precincts.

On presenting myself to the Governor, I commenced with expressing my regret, that a second memorial from Campbell should lead me to trespass once more on his attention; that the matter was becoming serious, for it was not just that a British subject, against whom no accusation existed, by his Excellency's own avowal, should be kept in a state of incarceration, until a question of jurisdiction was established here between two subordinate authorities, whose dispute had no other end than that of procuring a decision as to which was to release Campbell; and that I hoped that, in conformity with the spirit of the law of nations, he would overleap the routine prevailing in affairs of domestic policy, and issue an order for his liberation. To all my arguments under this head, Don Juan de Moya had but one reply, and that was continually repeated, that his responsibility was under cover when once he had referred the matter to the assessor, and he had nothing to do with the rest. Finding my arguments unavailing, I told him that I should then be placed in the painful position of communicating the affair to the Admiral on the station, when, in a burst of passion, he exclaimed, "You may communicate it to the Most Holy Trinity if you please." On hearing this, I formally called upon him not to deviate from the established rules of courtesy, when he broke out upon me in a manner as unbecoming an authority, as it must have been unwarrantable, by the tenor of his instructions, even towards the corporal of a regiment. He exclaimed that I had threatened him, and, after a torrent of words, embracing the most violent invectives, which might have been heard across the Government-square, and which were audible to people at the door of his ante-room, and lasting about eight or ten minutes, without permitting me to speak, notwithstanding my repeated efforts to do so, he concluded by saying, that if I presumed to be wanting in respect to him, the first authority, he would take the measures necessary to bring me to a proper sense of what was due to him—*le haré reportar*. At this moment of his paroxysm of ungovernable rage, the Secretary of the Government, Don Manuel Bolivar, entered most opportunely (for I began to feel that the *sang-froid* I had preserved up to that moment was dissipating fast), and the Governor, finding another party to address, became more moderate in his language, and less menacing in his gestures. After having recapitulated the whole history of the case, he at length permitted me to speak, though under repeated interruptions, when I stated to him most emphatically that, in mentioning I should communicate the circumstance to Jamaica, it was in the same light as if he had said that he would render the Captain-General of the Island acquainted with the transactions of that moment, and that neither in word or demeanour, had I deviated from the moderate, the firm principles, which should guide me in the discharge of a public duty.

His wrath became subdued by this observation, as well as by the humble expostulations of his secretary; and after having promised me that he would write to the Military Commandant of Manzanillo to liberate Campbell, he expatiated on his great personal esteem for me, my high standing in the community, the eminent services I had rendered the Spanish Crown on a late occasion, &c.

After these assurances it might be argued, that I should have allowed the matter to rest in oblivion. But when I consider that, on a former occasion, Don

Juan de Moya held very strong language to me, which was followed up by the same assurances of esteem; that I stood before him then in a responsible capacity; and that as Governor it was his bounden duty not to have swerved from established usage, and I may even add, the rules of society; that it is but a poor consolation to receive assurances of esteem, after having been almost publicly insulted, whilst in the due discharge of my public duty; that the memorial of Mr. Campbell must necessarily lead me into a full exposition of the exertions I was bound to make on his behalf; that a precedent of this nature, if left unreported to your Lordship, might lead my successors into considerable embarrassment, whenever a similar question might again arise; and that, above all, on a vacancy occurring through the recall, the death, or resignation, of the Governor, daily expected, the administration of the Government would again devolve on Don Juan de Moya, I felt that no other path was left open to me but the one I have now pursued.

Mr. Campbell arrived here on the evening of 26th August, and was liberated on the ensuing day, on my giving a pledge, that he should take his departure for Jamaica by the first opportunity. He proceeded from the public gaol to my house, where he was invited to take up his residence, and sailed on the 1st September. I have since learned that one of Her Majesty's schooners in these seas was despatched from Port Royal to Manzanillo, with the object of obtaining his liberation.

It may not be irrelevant to state, that Señor Don Juan de Moya is famed for his want of control over his temper; and this infirmity having led him at various periods, during the administration of the Government *ad interim*, into acts of the most despotic character, cost him a rustication in Madrid of 3 years' duration, attended with considerable expense. He was sent back on half-pay, and being the senior officer of the garrison, during the revolutionary movements of last December, was appointed by his Excellency the Captain-General to receive the Government from General Lorenzo. The General not being at that time disposed to relinquish his command, placed him in strict confinement in the Moro Castle, where he would inevitably have died from rage and vexation, had not Captain Jones, of Her Majesty's Ship "Vestal," and myself, succeeded in procuring his liberation, on condition that he should embark for the Havana, whence he returned with the expeditionary force, on the departure of General Lorenzo. He has frequently averred to others, that he owed his life to our interference, as Lorenzo had sworn he would shoot him; perhaps on this very account I may have become an object of personal dislike to him.

I am, &c.

(Signed)

J. HARDY, JUN., *Consul*.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Second Enclosure in No. 1.

Mr. John Campbell to Mr. Hardy.

SIR,

Manzanillo, July 18th, 1837.

I BEG leave to lay before you a statement of a case, in which I consider myself personally aggrieved, and, as a British subject, most harshly treated, by the officer in command at Manzanillo. The facts which I have to submit to you are as follow:—

Having been wrecked in the Bahamas, on my passage from Kingston, Jamaica, to Halifax, Nova Scotia, I was carried by the wreckers into Nassau, New Providence, from which place I obtained a passage in the slave schooner "*Antonia*," prize to Her Majesty's brig "*Racer*," being then on her return to Cape Cruz to join Her Majesty's brig cruising in those parts, after having landed her slaves at Nassau. At my request, the officers in command of the prize landed me at Cape Cruz, from whence I came up with the pilot to this place. I immediately submitted myself to the public authorities, by whom I was then questioned as to my views and intentions, to which I answered, that I had come with the intention of obtaining employment in the planting line, as I had understood that individuals of that description were in demand. My trunks were then seized, my clothes and papers taken out and searched; I was then handed over to the Military Com-

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mandant, who ordered me into instant confinement, whence I was carried into a filthy place, termed a guard-room, where I still remain without having been allowed meat or drink of any description, or a common board to sleep upon; I have petitioned for my release, and two respectable merchants of the town have offered to stand as my securities for safe keeping, or good conduct, as might be required, which has been refused; and all my papers, there being none but of a private nature, and clothes, although searched, kept out of my possession.

I now beg, Sir, respectfully, that you will exert your influence with the authorities of St. Jago, to procure a redress of these grievances, having been treated as a common felon, for having ignorantly landed without a passport, which, had I been aware it would have been required, I could not have procured in Nassau, there being no Spanish Consul resident there; and to request, that you will submit a statement of the above, for the consideration of His Majesty's Secretary of State for Foreign Affairs.

(Signed)

JOHN CAMPBELL, JUN.

To Her Britannic Majesty's Consul, St. Jago de Cuba.

Third Enclosure in No. 1.

Mr. John Campbell to Mr. Hardy.

SIR,

Manzanillo, August 8, 1837.

I BEG leave to acknowledge your communication of the 3rd instant, and have to express my sincere thanks to you for your exertions in my behalf, although thwarted by the unaccountable dilatoriness of the assessor: in the meantime, however, this, the fourth week of my confinement, is proceeding on, against which I do most loudly protest, as an act of the most oppressive tyranny, in no way warranted by my conduct under the circumstances of the case, which has been, and continues to be, open and respectful under the most aggravated provocation. I have no right, nor do I pretend to such, to complain of any precaution which the Government may provide against either real or imaginary dangers, and certainly was in duty bound to submit to any measures of a purely precautionary nature; but I feel satisfied that it never was contemplated, that the authorities here should possess a power of summarily condemning to an imprisonment, attended with circumstances which make it a severe punishment, any foreigner whose only error it might be of landing on their coast in an irregular manner.

If the object of my confinement had been only the safe keeping of my person, such might have been attained effectually by means of the security offered by several respectable gentlemen of the town, but which was refused; it would not at any rate have been endangered by a milder course of treatment towards one who has at least been accustomed to the decencies of life. When I state to you that the place of my confinement are the quarters of the troops, and of barely sufficient accommodation even for them, also the prison for offenders of every class and colour, that it is in the most horrid and loathsome state with filth and vermin, to such a degree that I have been a severe sufferer in health, and subjected at every turn to the insults of a soldiery in the lowest state of discipline, I think that you will allow that conduct of a most unjustifiable nature has been pursued towards me, and which calls imperiously for redress. All amelioration of treatment has been invariably denied to my several representations by the Commandant, who states that he has not received any communication with regard to me by yesterday's post, although your letter mentions your having had a promise from the Governor of Cuba to that effect.

The two officers who have been the actors in this tyrannical proceeding, and who have distinctly been influenced by other motives than those of performing their duty to the Government, bear the same name, though not relatives, Juan Garcia, Captain Comandante, and Juan Garcia, Escribano, or notary, of the Government, the latter the chief adviser in the affair.

It is my intention when released, to demand ample reparation for the cruel treatment which I have experienced, and the heavy expenses to which I have been subjected thereby. Should the Island Government be indisposed to admit such a demand, my next step will be to memorialize my own Government to interfere, in as aggravated and unprovoked a case of oppression as was ever perpetrated. A

circumstance of a peculiarly galling nature is also connected with my imprisonment. A small packet of letters, chiefly between my family and myself, with some money receipts, &c., being all papers of quite a private nature, and stated to be such by the sworn interpreter on examination, were taken from me, and are still kept out of my possession. I need not call your attention to the indelicacy or wantonness of such an act, it being only a part of that humiliating treatment which I have been made to suffer. I would particularly request you, Sir, to apply to the Governor of Cuba to direct its return.

I again beg leave to tender you my grateful thanks for your exertions, and to request that you will continue the same to a successful issue.

I am, &c.

(Signed)

JOHN CAMPBELL, JUN.

John Hardy, Esq., St. Jago de Cuba,
 &c. &c. &c.

Fourth Enclosure in No. 1.

To the Right Hon. Viscount Palmerston, &c. &c. &c.

The Memorial of John Campbell, Esq., of the Island of Jamaica, respectfully sheweth,

That your Memorialist embarked early in the present year from Kingston, Jamaica, for British America, and unfortunately was wrecked on the Island of Inagua, in the Bahamas, from which Island your Memorialist was carried by the wreckers into Nassau, New Providence.

That your Memorialist, by the above-mentioned shipwreck, became a loser of a small accumulation of means, which he had realized in the pursuit of his profession during several years, and was in consequence again compelled to turn his attention to the renewal of his labours, for the purpose of earning his livelihood.

That during the period of his stay in Nassau, New Providence, the captured slave schooner, "*Antonia*," prize to Her Majesty's brig "*Racer*," was sent into Nassau to land her slaves, when your Memorialist learning that her destination from thence would be in the first instance the coast of the Island of Cuba, and afterwards Jamaica, applied to the officer in command of the above prize, who, in consideration of the circumstances of the case, humanely gave your Memorialist a passage.

That your Memorialist having received frequent and promising representations of the demand existing in the Island of Cuba for individuals practically versed in all the different branches of tropical agriculture, which line of life your Memorialist professes, expressed his desire to be landed on that Island, that he might judge for himself of the state of its agriculture, and whether there existed such inducements as might lead to your Memorialist to engage in it.

That your Memorialist was accordingly landed from the "*Antonia*" at Cape Cruz, in the said Island, from whence he proceeded up to the town of Manzanillo, where your Memorialist immediately presented himself before the authorities of the said town.

That on the same a passport was demanded from your Memorialist, which he was not provided with, pleading ignorance of its necessity, from the fact of there not being at that time any Spanish or other officer in the British West India Islands, empowered to grant passports to persons desirous of visiting the Spanish possessions; your Memorialist has, however, been made aware, that such officers have since been appointed.

That your Memorialist, however, produced his commission as an officer in the militia of Jamaica, and offered to procure such other documents from that island, as would satisfy the Spanish Government that your Memorialist was not a character disposed to endanger or interfere with the established institutions of the country, in any way whatever; your Memorialist, however, so far yielded to the sinister views which the authorities appeared to entertain with regard to his arrival, that he offered immediately to embark for Jamaica, in a vessel then on the point of sailing for that island.

That the above propositions of your Memorialist were, notwithstanding, rejected by the authorities of Manzanillo, who immediately seized his clothes and papers, and sentenced your Memorialist to imprisonment; that your Memorialist then

claimed the respect which was due to his commission as an officer, such being held under the Captain-General of Jamaica, and requested that several gentlemen of respectability of the town might be allowed to stand as security for his appearance when required, to avoid the disgrace of imprisonment ; which terms the said authorities were not disposed to admit.

That your Memorialist was then conveyed to prison, where he was detained four weeks under circumstances of an aggravated and cruel nature, in a place revolting with filth and vermin, surrounded by criminals of every class and colour, and subjected at every turn to the rude insults and violence of the Spanish soldiery, by which your Memorialist has been a severe sufferer in health, which he has not yet recovered.

That at the commencement of his imprisonment your Memorialist wrote to the British Consul of St. Jago de Cuba, requesting his interference with the Government towards his release, and showing the gross maltreatment to which he was subjected. The urgent representations, however, of Her Majesty Consul, as stated in his reply to your Memorialist, were, in consequence of the dilatory movements of the public assessor, unattended with any other beneficial issue, than a promise from the Governor that your Memorialist should be treated with consideration, which promise, however, was never carried into effect.

That in the fifth week of his imprisonment, your Memorialist was directed to prepare himself, in compliance with an order from the Governor of St. Jago de Cuba, for a journey across the island to St. Jago ; that in the event of his not paying for horse-hire and maintenance on the road, he was told that he would be bound by his arms and made to walk ; that your Memorialist remonstrated from the state of his health, but was eventually obliged to comply, and commenced his journey under a guard.

That your Memorialist, after having gone through the severest hardships on the above journey, during which, at an inland town called Bayamo, he was thrown into a dungeon by the military governor of that place, where he was kept three days, and three nights, without even the necessaries of life, and in which your Memorialist must have come to his death had not an American doctor, who obtained ingress during the night, made application to the Governor that your Memorialist should be permitted to continue his journey.

That your Memorialist at length arrived at this city (St. Jago), having been six weeks in the hands of the Government ; and, after a confinement of two days, was carried before the Governor, who stated that not having been able to discover anything criminatory, in the slightest particular, with regard to your Memorialist, on his arrival in the island, he had consequently decided upon liberating him, which was accordingly done.

That your Memorialist has since learnt from Her Majesty's Consul, that his liberation has been made conditional upon his immediately leaving the island ; against which condition your Memorialist respectfully, but decidedly, protests, as an invasion of those privileges which the subjects of either power, being in a state of peace, are permitted reciprocally to enjoy, so long as the subject of such power commits no offence against the laws of the country of which he becomes a resident.

That your Memorialist, having now gone into the details of the circumstances under which he has been so grievous a sufferer, his health destroyed, and the remnant of his means scattered by the expenses which have been entailed upon him by the tyranny of the Spanish Government ; for nearly five weeks the inhabitant of foul and loathsome dungeons, amidst crime and misery ; dragged in a weak state of health 140 miles across an unsettled country ; and then told that the suspicions against him have proved unfounded, his intentions admitted to have been upright, but that he is liberated only on condition of his leaving the island.

That your Memorialist respectfully appeals to the Government, of which he is a subject, for protection and reparation against the authorities of Manzanillo and St. Jago de Cuba, for the wanton and tyrannical abuse of his liberty and person ; that he humbly solicits your Lordship, as presiding over the Foreign Department, to institute a full inquiry into all the circumstances of his case, and that your Lordship will demand that such ample compensation be made to your Memorialist, for his injuries and oppression, as the circumstances shall appear to your Lordship to require.

And your Memorialist, &c.
(Signed)

J. CAMPBELL.

Fifth Enclosure in No. 1.

*Mr. Campbell to Viscount Palmerston.**Rockspring, Parish of Hanover, Jamaica,
20th September, 1837.*

MY LORD,

I HAVE the honour to enclose a duplicate copy of a memorial, the original of which was forwarded to your Lordship through his Majesty's Consul resident at St. Jago de Cuba. The aggravated cruelty and oppression under which I have been so severe a sufferer, both in personal and pecuniary circumstances, from the arbitrary conduct of certain delegated authorities in the southern district of the Island of Cuba, peremptorily demand, in common justice to myself, that I should so far trespass upon your Lordship's manifold avocations, as to solicit your Lordship's earliest attention to the enclosed contents.

I have only to add, my Lord, that the within-mentioned officers eventually acquitted me in every way, both in word and deed, of any impropriety of conduct while in Cuba; notwithstanding which they have taken upon themselves, at a heavy sacrifice to me, to order my deportation from that island, under a suspicion, as they stated, that I was connected with the Anti-Slavery Society, which suspicion appears to have been the existing cause of their inveterate and cruel treatment to me. I certainly, my Lord, know that society from its generous and liberal political tenets, but there my knowledge of it ends. I leave it to your Lordship to determine whether the outrage committed on my liberty and person is to be justified by the suspicion or reality of such a fact. I feel satisfied that your Lordship will give your immediate attention to an act of such wanton and arbitrary violence, committed on an unoffending British subject; and at your Lordship's hands I seek for that reparation and compensation to which I feel myself in strict justice entitled.

I have, &c.

(Signed)

J. CAMPBELL, Jun.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Sixth Enclosure in No. 1.

The Queen's Advocate to Viscount Palmerston.

MY LORD,

Doctors' Commons, December 26th, 1839.

I AM honoured with your Lordship's commands, signified in Mr. Backhouse's letter of the 25th ult., transmitting a despatch from her Majesty's Consul at St. Jago de Cuba, enclosing a memorial from Mr. John Campbell, complaining that he has been unjustly imprisoned by the Spanish authorities at Manzanillo.

I am also honoured with Mr. Backhouse's letter of the 22nd inst., transmitting a letter from Mr. John Campbell upon the same subject, and requesting that I would take the same, together with the former papers, into consideration, and report to your Lordship my opinion thereupon.

In obedience to your Lordship's commands, I have attentively perused the despatch of Her Majesty's Consul at St. Jago de Cuba, together with the memorial of Mr. John Campbell, and have the honour to report that, considering the circumstances under which Mr. Campbell, who was unprovided with a passport, arrived at Manzanillo, and also the revolutionary movements which had then recently taken place in the island, I do not think that it would have afforded any just ground of complaint, if he had been merely subjected to the restraint necessary for his safe custody, and had been sent to the city of St. Jago de Cuba, for the purpose of having his case investigated, in conformity with what is represented by the British Consul to be the usual practice on all similar occasions.

Mr. Campbell states that, notwithstanding an offer made by him, immediately to embark for Jamaica in a vessel then on the point of sailing for that island, the Spanish authorities at Manzanillo seized his clothes and papers, and also sentenced him to imprisonment; that he was detained four weeks in a place revolting with filth and vermin, surrounded with criminals of every class and colour, and sub-

jected at every turn to the rude insults and violence of the Spanish soldiery, by which he has been a severe sufferer in health, which he has yet not recovered. He further states, that in the fifth week of his imprisonment he was directed to prepare himself, in compliance with an order from the Governor, for a journey across the island to St. Jago de Cuba; that in the event of his not paying for horse-hire and maintenance on the road, he was told that he would be bound by his arms, and made to walk; that he remonstrated from the state of his health, but was eventually obliged to comply, and commenced his journey under a guard. That after having undergone the severest hardships on the above journey, during which, at an inland town called Bayamo, he was thrown into a dungeon by the military governor of that place, where he was kept three days and three nights without even the necessaries of life, and in which he must have come to his death, had not an American doctor, who obtained ingress during the night, made application to the Governor that he should be permitted to continue his journey: that he at length arrived at the city of St. Jago de Cuba, having been six weeks in the hands of the Government, and after a confinement of two days was carried before the Governor, who not having been able to discover anything in the slightest degree criminatory, with regard to him, or his arrival in the island, consequently decided upon liberating him, which was accordingly done; but, as it afterwards appeared, upon the condition that he should immediately leave the island.

The above representation, supposing it to be in every respect accurate, discloses a case of gross and unmerited severity, exercised towards a British subject; and unless the Spanish authorities can refute the statement contained in the memorial, or give satisfactory explanation of their conduct, I submit to your Lordship, that Her Majesty's Government will be justified in demanding compensation for Mr. Campbell.

I have, &c.

(Signed)

J. DODSON.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

No. 2.

Sir George Villiers to Viscount Palmerston.—(Received February 6.)

MY LORD,

Madrid, January 27th, 1838.

I HAVE the honour to enclose the copy of a note, which, in obedience to the instructions contained in your Lordship's despatch of the 11th instant, I have addressed to Count Ofalia, respecting the maltreatment of Mr. John Campbell by the Spanish authorities of Manzanillo and St. Jago de Cuba.

I have, &c.

(Signed)

GEORGE VILLIERS.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 2.

Sir George Villiers to Count Ofalia.

SIR,

Madrid, January 26th, 1838.

I HAVE received the instructions of my Government, to bring the following case of grievance on the part of a British subject before your Excellency, and to request that the Government of Her Catholic Majesty will institute a rigorous inquiry into the extraordinary conduct of the authorities at Cuba towards Mr. Campbell, the individual in question.

Mr. John Campbell, of Jamaica, having been wrecked on the Bahamas, in his passage from Kingston, Jamaica, to Halifax, Nova Scotia, was subsequently carried by the wreckers to Nassau, New Providence, whence he was taken by a Spanish slave-schooner, a prize to Her Britannic Majesty's brig "Racer," to Cuba, on his way back to Jamaica, and, being landed at his desire at Cape Cruz in July last, he immediately proceeded to Manzanillo with the pilot, and presented himself to the authorities at that port.

Mr. Campbell stated, that his object in visiting Cuba was to seek employment in the practice of tropical agriculture, in which he is skilled. The authorities finding that he had no passport (at Nassau there was no Spanish officer empowered to grant one), Mr. Campbell was immediately thrown into prison, where he was detained for upwards of four weeks, his papers and effects seized, and in other respects treated with inhumanity and violence.

Mr. Campbell produced his commission as an officer in the Militia of the Island of Jamaica; several Spanish merchants of the place offered to give bail for his appearance; and he himself, to avoid the treatment he was threatened with, proposed immediately to leave the island, in a vessel then in the port ready to sail for Jamaica. The authorities, however, still persisted in detaining Mr. Campbell; and he was kept in the military gaol, a place of revolting filth, surrounded by criminals of every description, and subjected to the rude insults and violence of the Spanish soldiery, in consequence of which treatment his health has been seriously impaired.

On being conveyed to St. Jago de Cuba, in the fifth week of his imprisonment, Mr. Campbell was told that, unless he paid for horse hire and his maintenance on the road, he would be bound by his arms and made to walk. On arriving at an inland place called Bayamo, he was thrown into a dungeon by the Governor, where he was kept three days without the necessaries of life, and where he would have undoubtedly perished, had not an American doctor obtained access to him during the night, and represented his condition to the Governor, when he was permitted to continue his journey.

After extreme hardship and suffering, from the state of illness to which he was reduced and the length of the journey, Mr. Campbell arrived at St. Jago de Cuba, where, after two days' delay, he was liberated by the Governor, who had not been able to discover anything criminatory against him; but to his liberation was annexed the unjust condition of his immediately leaving the island.

That your Excellency may be made fully aware of the circumstances of the case, and of the conduct of the authorities of the island, inclusive of that of the *interim* Governor of St. Jago de Cuba, Don Pedro Moya, I have the honour to enclose extracts from the despatches of the British Consul at St. Jago to Viscount Palmerston, from Mr. Campbell's memorial to his Lordship, and Mr. Campbell's own letter to the Consul.

Should the representation of Mr. Campbell (and that part of it confirmed by Her Britannic Majesty's Consul at St. Jago is not to be doubted) be confirmed by the strict inquiries which I trust your Excellency will direct to be instituted, I am sure your Excellency will agree in opinion with the Government of her Britannic Majesty, that Mr. Campbell is entitled to expect from the authorities at Cuba, a full compensation for the unjustifiable maltreatment of which he complains.

I have the honour, &c.

To Count Ofalia,
&c. &c. &c.

(Signed)

GEORGE VILLIERS.

No. 3.

Sir George Villiers to Viscount Palmerston.—(Received February 19.)

MY LORD,

Madrid, February 10th, 1838.

I HAVE the honour to enclose the copy and translation of a note, which I have received from Count Ofalia, in answer to mine of the 26th ultimo, respecting the treatment of Mr. John Campbell by the authorities of Manzanillo, in the Island of Cuba.

I have, &c.

GEORGE VILLIERS.

(Signed)

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 3.

(Translation.)

Count Ofalia to Sir George Villiers.

SIR,

Madrid, January 31st, 1838.

I HAVE received the note which you have been pleased to address to me under date of the 26th inst., in which, complaining of the proceedings of the authorities of Cuba towards the British subject, Mr. John Campbell, you request that a rigorous investigation may be instituted into this matter, respecting which you communicate to me the information which you have received.

Having taken your above-cited communication into consideration, in answer to it I hasten to inform you that, with reference to what has taken place with the said Campbell at Manzanillo and St. Jago de Cuba, the Captain-General of that island has been instructed to furnish the necessary information without delay, who, after having examined all that has been done by the authorities of the two places above-mentioned in this case, will report to Her Majesty, through this Ministry under my charge, the history of the facts, together with the reasons which there might or might not be for the imprisonment of Campbell, and he will state his opinion of the conduct of these authorities, transmitting copies of the proceedings which took place at the time of the arrest of this individual, and afterwards on his being set at liberty; in order that, having the case before Her in all its bearings, Her Majesty may adopt the corresponding measures.

(Signed)

THE COUNT OF OFALIA.

To Sir George Villiers, &c. &c. &c.

No. 4.

M. D'Aguilar to Viscount Palmerston.—(Received March 30.)

EL Infrascrito, Enviado Extraordinario, y Ministro Plenipotenciario de Su Magestad Catolica, ha recibido orden de dirigirse al Gobierno de Su Magestad Británica, por medio de Su Excelencia el Señor Visconde de Palmerston, Principal Secretario de Estado y de negocios Estrangeros, en reclamacion de un insulto, violencia, y muertes, cometido en el puerto de Mozambique el 25 de Setiembre de 1836, por el Bergantin de la Marina Real Británica el "Leveret," su Comandante el Capitan John Bosanquet, contra el Bergantin mercante español el "Diogenes," su Capitan Juan J. Peoli, hollando todos los derechos conocidos, y todo principio de justicia. De este hecho, por el cual el Gobierno de Su Magestad Fidelisima, bajo cuya salvaguardia se hallaba el Bergantin Diogenes, que estaba anclado en el Puerto de Mozambique, á tiro de fusil de las fortalezas Portuguesas, con la visita del practico mayor, y la visita de la aduana á bordo, tiene hechos al de Su Magestad Británica las competentes reclamaciones, con los documentos que las justifican, y las de indemnizacion del honor del Pavellon Portugues, y de los daños y perjuicios causados al desgraciado Capitan Peoli, que tan inhumanamente fué acometido al abordage por el Leveret, cuya tripulacion en desorden, despues de haber herido á muchos Españoles de la del Diogenes, muerto á otros, saqueado y destruido cuanto en él se encontraba, pusieron en cadenas á los que sobrevivieron á este no provocado ataque.

Cuando el Gobierno español recibio esta queja de parte de un súbdito suyo, que desde aquellas regiones, abandonando los restos de su bastimento y de su fortuna, se habia venido á Lisboa, entablado allí su primera instancia, puesto que en un puerto Portugues, bajo aquellas fortalezas, en un territorio de nacion aliada y amiga, se habia perpetrado tan grande quanto injusta agresion y demasia, y tuvo de todo el conocimiento debido, y la conviccion de que el pretesto, que se dió por el Capitan Bosanquet, para una accion indigna de hombres que sirven al Gobierno de una nacion grande y generosa, al par que amante de la justicia, cual es la Ynglaterra, era infundado; puesto que el Capitan Bosanquet hubo de reconocer, que el Diogenes ni sus lanchas, ni su gente, habian atacado las del Leveret en el mar, ni el Diogenes desde su salida de la Havana para Goa, á donde iba destinado, habia tenido motivos de encuentro con buque alguno, no pudo menos de dar sus ordenes al Infrascrito, para que uniendo sus reclamaciones á las hechas, y que se hagan, por parte del Gobierno Portugués, exiga del de Su Magestad Británica, no solo la satisfaccion competente por el ultrage hecho al mismo tiempo á la bandera Española, y el justo castigo de los culpados, sino que se paguen los daños y perjuicios causados al subdito Español Juan J. Peoli, graduados en definitiva en 181,855 pesos fuertes, segun demuestra el docu-

mento adjunto, que acompaña á la representacion dirigida por el dicho Capitan, al Ministro Plenipotenciario de España en Lisboa.

Al Gobierno Español no puede menos de serle muy sensible, que este y otros hechos desgraciados se hayan perpetrado con los buques españoles que navegan en diversos mares, quando la alianza mas leal y sincera le unen con el Gobierno de Su Majestad Británica; y ha visto con satisfaccion por la nota, que Su Excelencia el Señor Visconde de Palmerston, dirigió al Caballero Ribiero, Encargado de Negocios de Portugal, el 24 de Julio del año ultimo, contestando á su reclamacion y queja de los hechos citados de 26 de Marzo anterior, que el Gobierno de Su Magestad Británica habia tenido el disgusto á saber, que los hechos principales alegados contra la conducta del Comandante Bosanquet en Mozambique aparecian probados, y que éste hubiese dado lugar á justas quejas por parte de las autoridades Portuguesas, asegurando al propio tiempo, que se habian dado ordenes exstrictas, para impedir que tales irregularidades se renueven, por parte de los oficiales de la Real Marina Inglesa.

Pero en esta justa manifestacion, aunque por ella se reconocen ya probados los principales articulos de la culpabilidad del dicho Bosanquet, y aparece asi reconocer virtualmente una responsabilidad de resurcir el daño causado al Capitan del Diogenes, no se considera bastante, como el Infrascrito lo espera, de la conocida justificacion del Gobierno de Su Magestad Británica; siendo asi que por las leyes del derecho de las naciones, y aun por las generales y comunes, se exiga la reparacion de la ofensa, hecha a pavellon de ambos naciones aliadas y amigas de la Inglaterra, y al desgraciado que ha sufrido los efectos de un acto injusto y atroz, los daños y perjuicios que tal conducta indebida le ha causado, los quales no pueden calcularse bastante sobre los infelices que sobrevivieron á aquel acto inhumano.

El Infrascrito por tanto habiendo cumplido el deber de hacer á Su Excelencia el Lord Visconde de Palmerston la comunicacion que precede, y que tiene relacion con la que Su Excelencia recibirá del Encargado de Negocios de Portugal, con esta misma fecha, espera que el Gobierno de Su Magestad Británica, reconocido como esta el hecho en cuestion, querrá disponer el resarcimiento de los daños reclamados por el infeliz Capitan Peoli, y dar asi un grande exemplo de su grandeza y de su justicia.

El Infrascrito, con este motivo, renueva, &c.

33, Wimpole-street, 28 de Marzo, 1838.

(Signed)

MANUEL M. D'AGUILAR.

Excelentísimo Señor Visconde de Palmerston.

&c.

&c.

&c.

(Translation.)

THE undersigned, Envoy Extraordinary and Minister Plenipotentiary of Her Catholic Majesty, has been directed to address himself to the Government of Her Britannic Majesty, through the medium of Lord Viscount Palmerston, Her Britannic Majesty's principal Secretary of State for Foreign Affairs, to complain of an insult, accompanied by violence and the loss of some lives, which insult was committed in the port of Mozambique on the 25th of September, 1836, by Her Britannic Majesty's brig *Leveret*, commanded by Lieutenant Bosanquet, against the Spanish merchant brig, the *Diogenes*, Captain Juan I Peoli, on which occasion all known laws and every principle of justice were trod under foot. Of this occurrence the Government of Her Most Faithful Majesty, under whose safeguard then was the brig *Diogenes*, lying at anchor in the port of Mozambique, within musket-shot of the Portuguese fort, and having on board the chief pilot as well as the officers of the Custom-house, has already complained to the Government of Her Britannic Majesty, communicating at the same time the vouchers, and claiming reparation consistent with the honour due to the Portuguese flag, and of the damages and injuries done to the unfortunate Captain Peoli, whose vessel was so cruelly boarded by the *Leveret*; inasmuch as the crew of the latter, after wounding many Spaniards on board the *Diogenes*, and killing some, no less than pillaging and destroying whatever they could lay hands on, put in chains those who survived this unprovoked attack.

When the Spanish Government received this complaint from its subject, who, abandoning the remains of his vessel and fortune, had repaired to Lisbon to make his first application there, since this equally great and unjust aggression and excess

had taken place in a Portuguese port, under its forts, and in the territory of an allied and friendly nation, and when from all the particulars it convinced itself that the pretext of Lieutenant Bosanquet, for a conduct unworthy of men who serve the Government of a nation, as great and generous as it is well known for its love of justice, was unfounded, seeing that Lieutenant Bosanquet was obliged to acknowledge, that neither the *Diogenes*, nor her boats, nor her crew, had attacked the boats of the *Leveret* at sea, and that the *Diogenes*, from the time of her departure from the Havana for Goa, whither she was bound, had no motives for hailing and meeting any vessel, it found itself compelled to order the undersigned to unite his complaints with those of the Portuguese Government, and to apply to that of Her Britannic Majesty, not only for competent satisfaction for the outrage committed at the same time against the Spanish flag, but also for due punishment of the aggressors, and reparation of the damages and injuries occasioned to the Spanish subject, Juan I Peoli, settled definitively to amount to 181,855 dollars, as appears from the enclosed document, which accompanies the representation addressed by the said captain to the Spanish Minister Plenipotentiary, at Lisbon.

It cannot but be extremely painful to the Spanish Government, that these and other unfortunate occurrences happen with regard to Spanish vessels navigating in different seas, when the most upright and sincere alliance unites it with the Government of her Britannic Majesty; and it has learned with satisfaction, from the note addressed by Lord Viscount Palmerston to the Chevalier Ribiero, the Portuguese Chargé d' Affaires, on the 24th of July last, in answer to the complaint of the latter respecting the above-mentioned incidents on May 26th preceding, that the Government of Her Britannic Majesty had been sorry to ascertain, that the principal facts alleged against the conduct of Commander Bosanquet at Mozambique appeared to be proved, and that the latter had afforded occasion for the just complaints of the Portuguese authorities; adding, that strict orders had been given to prevent the recurrence of such irregularities on the part of the officers of the Royal English Navy. But though the principal articles of Bosanquet's culpability are by this just declaration acknowledged to be established, and though a liability to make satisfaction to the captain of the *Diogenes* for damages seems to be virtually recognized, this will not, the undersigned hopes from the well-known justice of Her Britannic Majesty's Government, be considered enough, inasmuch as the law of nations, and even the general and common law, require reparation of the offence offered to the flag of the two nations, both of them the allies and friends of England, and also to the unfortunate man who has suffered from the effects of an unjust and atrocious act, namely, the damages and injuries which such an improper conduct has occasioned to him, and which are incalculable with regard to the unhappy men who have survived that cruel act.

The Undersigned, having thus complied with his duty by addressing the above to Lord Viscount Palmerston, which communication is of the same import with that which His Excellency the Portuguese Chargé d' Affaires will transmit under this date, hopes that the Government of her Britannic Majesty, seeing that the fact in question is acknowledged, will be willing to give directions for repairing the damages for which the unfortunate Captain Peoli claims to be indemnified, and will thereby afford a splendid example of its high-mindedness and justice.

The Undersigned avails himself, &c.

(Signed)

MANUEL M. D'AGUILAR.

33, *Wimpole Street*, 28th March, 1838.

(For Enclosures, see Enclosures in Note from M. Carvalho,
of March 28, 1838, No. 98.)

No. 5.

Viscount Palmerston to M. d'Aguilar.

Foreign Office, March 16, 1838.

THE undersigned, &c., has the honour to acknowledge the receipt of the note, which was addressed to him on the 28th ultimo by M. d'Aguilar, &c., upon the subject of the claim brought forward by the master of the Spanish vessel "*Diogenes*," for losses and damages said to have been incurred by him, in consequence of the attack made on him by Lieutenant Bosanquet, of Her Majesty's brig "*Leveret*."

The undersigned has the honour to inform M. d'Aguilar, that the early attention of Her Majesty's Government will be given to the subject in question.

The undersigned, &c.

(Signed)

PALMERSTON.

The Chevalier d'Aguilar.

&c. &c. &c.

No. 6.

Sir George Villiers to Viscount Palmerston.—(Received May 1.)

MY LORD,

Madrid, 21st April, 1838.

I HAVE had the honour to receive your Lordship's despatch, marked Slave Trade, of the 6th instant.

I enclose the copy and translation of a note which I have received from Count Ofalia, in answer to mine of the 11th instant, respecting the Slave Trade now carrying on with the Havana, under the Portuguese flag, and the certificate issued to the Portuguese Schooner "*Ligeira*," by the Custom-house officers of the Havana.

I have, &c.,

(Signed)

GEORGE VILLIERS.

The Right Hon. Viscount Palmerston, G.C.B.

&c. &c. &c.

Enclosure in No. 6.

(Translation.)

Count Ofalia to Sir George Villiers.

SIR,

I HAVE received your communication of the 11th instant, in which you are pleased to state to me the information, which has been received from the British Commissioners at Sierra Leone, respecting the Slave Trade carrying on with the Havana under the Portuguese Flag.

I have made known its contents to the Minister of Finance, in order that the authorities of that department in the Island of Cuba may be instructed to be more cautious in issuing such certificates as that which you say was found on board the Portuguese schooner "*Ligeira*," captured by Her Britannic Majesty's Brigantine "*Bonetta*," and condemned at Sierra Leone.

I have likewise communicated to the same Minister the orders of Her Majesty, that such certificates be not issued by the Custom-house there, without a sufficient bond, which may be security, in case it should afterwards be proved that the prohibited articles were destined to illegal purposes.

I have, &c.

(Signed)

THE COUNT OF OFALIA.

To the Minister of Her Britannic Majesty.

No. 7.

Sir G. Villiers to Viscount Palmerston.—(Received May 21st.)

Extract.

Madrid, 12th May, 1838.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 10th of April, 1838.

I enclose the copy of a note which, in obedience to the instructions contained in your Lordship's despatch of the 6th of April, I addressed to Count Ofalia, relative to the case of the Spanish brig "*General Laborde*," adjudicated in the Mixed Court of Justice at the Havana.

I waited upon Count Ofalia a few days since, and asked him what answer he intended to give to my note of the 29th ult. His Excellency replied that he took entirely the same view of the matter in question as Her Majesty's Government, and that he feared it would be impossible to disturb the improper sentence of the Commissioners; but that it was the bounden duty of the contracting parties to a treaty, whenever a doubt occurred upon the letter of its stipulations, to interpret that doubt according to the spirit of the treaty, and it was

his intention to send to the Havana peremptory instructions upon the subject, in conformity with those suggested in my note.

I said it was very satisfactory to me to learn that such were his Excellency's opinions.

His Excellency added, that the instructions to the Captain-General should be sent in the form I liked to prescribe, and that, if they were not found to answer the purpose, it would then be time to treat of the additional article.

Enclosure in No. 7.

Sir G. Villiers to Count Ofalia.

SIR,

Madrid, 29th April, 1838.

I HAVE received the instructions of my Government to request your Excellency's serious attention to the case of the Spanish Brig "*General Laborde*," adjudicated in the Mixed Court of Justice, established at the Havana under the Treaty concluded with Spain in June, 1835, for the complete suppression of the Slave Trade.

It appears from the evidence laid before the Court, that the vessel in question, when captured, had on board, almost every one of those things, which are declared in the Tenth Article of the Treaty of 1835, to furnish *prima facie* proof that a vessel is actually employed in the Slave Trade. She had also on board a quantity of tobacco; and she was said to be bound on a voyage to Cadiz: the evidence also went to show, that many of the prohibited articles had, for a previous voyage, been furnished by the Intendency of Cuba, and some few of them had, in that previous voyage, been wanted for a legal purpose. The voyage, on which it was said that those articles had been wanted for a legal purpose, had been completed. The vessel had returned to Cuba from that voyage, and she was detained while proceeding on a new voyage, having with her all the prohibited articles which she had on board in the former voyage; some of them, your Excellency will be pleased to observe, furnished originally at Cuba, from which Island she was proceeding; and no evidence whatever was brought forward to show, nor was it ever asserted, that all the prohibited articles, or any of them, were wanted, or could be wanted, for any legal purpose, on the voyage on which her owners stated that she was proceeding when she was detained.

The case, such as I have summarily stated it, was brought before the Mixed Court: the British Commissioner was of opinion that the vessel ought to be condemned; the Spanish Commissioner declared himself of opinion that she ought to be liberated. The case was therefore submitted to arbitration: an Arbitrator was chosen by lot: that Arbitrator was Spanish, and he decided for the liberation of the vessel.

On the perusal of the judgment given on this vessel in the Mixed Tribunal, your Excellency will perceive, that the sentence was passed without a due attention to the circumstance which constitutes the ground on which the vessel was detained; although on the proof or disproof of that circumstance, the condemnation or liberation of the vessel ought to have depended.

That circumstance was, that the vessel had the forbidden articles on board *on the very voyage on which she was captured*; and that fact having been ascertained, the remaining point to be determined, according to the evident intention of the Tenth Article, was whether the prohibited articles had been put on board, and had been needed for legal purposes, on the particular voyage on which the vessel was proceeding when detained; and if such necessity could not have been proved, the vessel became justly subject to condemnation.

It is not to be denied that there is an expression in the latter part of the Tenth Article of the Treaty, which gives an opening for a construction different from the evident intention and spirit of the Treaty; because that expression, in its most limited sense, says only, that the evidence to be brought by the Master or the Owner shall establish, that the vessel was, at the time of her detention or capture, employed in some legal pursuit.

The Equipment Article was however drawn up with a wider view; and the narrow interpretation which I have pointed out to your Excellency will, if persisted in, do away with the whole effect of that Article; for vessels having any or all of the prohibited things on board, may escape punishment, although no evi-

dence is brought forward to prove that such things were put on board for any legal purpose, if only evidence be produced that, at some previous period, some of these things had once been wanted for a legal purpose; and, indeed, even such last-mentioned evidence would become unnecessary, if papers were produced tending to show, that the vessel was at the time of capture proceeding to a place where she could not carry on Slave Trade.

But such papers and evidence, it is well known, may be easily, and at any time, fabricated and produced; and if such assertions are to stand good as a defence against the actual presence of prohibited things on board, and not accounted for by any legal purpose, that provision, which was intended to form one of the chief barriers against the artful and clandestine undertakings of slave-dealers, will become of little avail.

Your Excellency is well aware, that the spirit which animated the two Governments of Great Britain and Spain in the conclusion of this treaty, is far from sanctioning an interpretation which would defeat all the ends, which the preamble of the treaty itself states to have been the desire and purpose of both the high contracting parties, viz.—that of *rendering thereby the means taken for abolishing the inhuman traffic in slaves more effective.*

The whole tenor of the treaty is in conformity with this view.

The first article declares the Spanish Slave Trade to be thenceforward *totally and finally abolished in all parts of the world.*

By the second article the Queen of Spain engages, that immediately after the treaty, *and from time to time afterwards, as it may become needful*, Her Majesty will take the most effectual measures for preventing her subjects from being concerned in, or carrying on *in any way*, the trade in slaves.

The fourth article declares, that the measures to be taken by the treaty were *taken, in order completely to prevent the infringement of the spirit* thereof; and Article Ten, framed with the same intent, declares, that every vessel equipped as the "*General Laborde*" was equipped, is to be detained, and that such things as the "*General Laborde*" had on board, are to be considered as *prima facie* evidence that the vessel which has them on board, is actually employed in slave trade; and according to the spirit of the article, she is to be condemned unless such evidence be rebutted.—But your Excellency will I am sure agree with me that such evidence cannot properly be rebutted, except by evidence showing some legal purpose for which the forbidden things were immediately required. I am however instructed to inform your Excellency, that it is not the wish of Her Britannic Majesty's Government to disturb the sentence of the Court in the particular case of the "*General Laborde*," because, whatever may have been the ground on which it was given, Her Britannic Majesty's Government consider that by the treaty, the sentence must be final. But it has become my duty, with a view of preventing the evil effects, which must ensue from a repetition of a similar sentence on similar grounds, to protest in the name of my Government in the most formal manner against the construction put upon the treaty in the case of this vessel.—And to urge the Government of Her Catholic Majesty to issue to the Spanish Commissioners at the Havana instructions to construe Article Ten of the treaty, according to the sense in which I have had the honour to represent its instructions and spirit to your Excellency, and to give in future their sentence accordingly.

I have, &c.

(Signed)

GEORGE VILLIERS.

His Excellency Count Ofalia.

No. 8.

Viscount Palmerston to Sir George Villiers.

SIR,

Foreign Office, May, 24, 1838.

I HEREWITH transmit for your information, two copies of two series of papers relating to the Slave Trade, which have been presented to the two Houses of Parliament, during the present session, by Her Majesty's command.

I am, &c.

(Signed)

PALMERSTON.

*Sir G. Villiers, G.C.B.
&c. &c. &c.*

No. 9.

Viscount Palmerston to Sir G. Villiers.

Extract.

Foreign Office, May 28th, 1838.

I HAVE received your Despatch of the 12th of May instant, stating the reply which Count Ofalia gave verbally to your representation on the subject of the vessel the "*General Laborde*,"

It will certainly be right to wait until the written answer of Count Ofalia shall show, whether it shall be necessary or expedient to press the Spanish Government, for the conclusion of a more formal and distinct expression of their interpretation of the stipulation contained in the equipment article.

No. 10.

Viscount Palmerston to Sir George Villiers.

SIR,

Foreign Office, 31st May, 1838.

I HEREWITH transmit to you the copy of a despatch from Her Majesty's Commissioners at the Havana, relative to the black soldiers belonging to Her Majesty's West India regiments, who are stationed on board the "*Romney*" hulk; and for the reasons stated by me in my previous Despatches on this subject, I have to desire that you will again earnestly press the Spanish Government, to give orders that these soldiers may be permitted occasionally to go on shore.

I am, &c.

(Signed)

PALMERSTON.

Sir George Villiers, G.C.B.

&c. &c. &c.

Enclosure in No. 10.

Her Majesty's Commissioners to Viscount Palmerston. Havana, April 20, 1838.

(See Class A. No. 52, p. 92.)

No. 11.

Viscount Palmerston to Sir George Villiers.

SIR,

Foreign Office, 9th June, 1838.

I HEREWITH transmit to you the copy of a resolution which was voted unanimously by the House of Commons on the 10th May, 1838, for an address to Her Majesty upon Slave Trade, and a copy of the answer which, on the 23rd of the same month, Her Majesty was pleased to return to that address.

You will see from these papers the unceasing and anxious desire of the Parliament and Government of this country, for the extinction of the traffic in slaves.

I am commanded by Her Majesty to instruct you, to communicate these papers to the Spanish Government, and earnestly to press upon them the immediate conclusion of the negotiations, with which you are charged on this subject.

I am, &c.

(Signed)

PALMERSTON.

Sir George Villiers, G.C.B.

&c. &c. &c.

No. 12.

Sir George Villiers to Viscount Palmerston.—(Received June 10.)

MY LORD,

Madrid, 2nd June, 1838.

I HAVE the honour to acknowledge the receipt of your Lordship's despatches of the 19th and 24th April, 1838.

I enclose the copy of a note which, in obedience to the instructions con

tained in your Lordship's Despatch of the 24th April, I have addressed to Count Ofalia, respecting the liberation of the "*Vencedora*" by the Mixed Commission at the Havana.

I enclose likewise the copy and translation of a note, which I have received from his Excellency in answer to mine of the 25th January, requesting that inquiries might be made with regard to the "*Vencedora*" having slaves concealed on board, during her stay in the port of Cadiz.

I have, &c.

(Signed)

GEORGE VILLIERS,

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

First Enclosure in No. 12.

Sir George Villiers to Count Ofalia.

SIR,

Madrid, May 26th, 1838.

IN a note I had the honour to address to your Excellency on the 25th January last, I stated that Her Britannic Majesty's Government had received information, that a Spanish vessel, called the "*Vencedora*," had, during the month of September, arrived at Cadiz from the coast of Africa, and that while she stayed in that port she had a number of Bozal negroes concealed on board, which remained there during the voyage to Puerto Rico: in obedience to the instructions of my Government, I requested that your Excellency would examine into the conduct of the sanitary officers in the port of Cadiz on this occasion, who either must have known of this inhuman and flagrant violation of the Slave Treaties, or must have been culpably remiss in the discharge of their duty.

A few days after the date of my note, your Excellency did me the honour to inform me, that steps had been taken to procure the necessary information on the subject; but up to the present moment I have not learned that any result has been obtained.

In the meantime the "*Vencedora*," which had been captured, on account of the negroes concealed on board, by the officers of Her Britannic Majesty's ship "*Ringdove*," has been tried and liberated, but under circumstances which makes it incumbent upon me to call your Excellency's earnest attention to the facts and observations on this decision, which I now have the honour to lay before your Excellency.

From the proceedings in the case of the "*Vencedora*," before the Mixed Commission at the Havana, it appears that the schooner was on her passage from Africa to Cuba with a cargo of slaves; that in the course of her voyage she had touched at Cadiz and Puerto Rico; and that while she was at Cadiz, and during her passage thence to Puerto Rico, her slaves were stowed between decks, so as to be concealed from the passengers taken on board at Cadiz, and were thus confined in a manner necessarily occasioning to them the most severe sufferings; that the vessel had landed a number of her slaves at Puerto Rico, where she stayed eight days; that she there procured fresh papers, and was proceeding with the remainder of her slaves, 26 in number, to Cuba, when she was met with and detained by Her Britannic Majesty's ship "*Ringdove*," Commander Nixon, and brought before the Mixed Court of Justice, established at the Havana, under the Treaty of June, 1835, for the prevention of the Slave Trade.

The whole of these circumstances did not at first come out in evidence, but the main fact of bozal negroes being on board, apparently for the purposes of traffic, appeared at once in evidence; and the other circumstances were communicated to the Judges, before the final sentence was given by the Arbitrator.

The British Judge declared that the vessel ought to be condemned; the Spanish Judge declared that she ought to be liberated; and the Spanish Arbitrator, upon whom in this case the lot fell to determine the difference, declared, on the grounds stated by the Spanish Judge, that the vessel ought to be liberated, and she was liberated accordingly.

The reasons which were assigned by the Spanish Judge for the liberation of this vessel, and which were confirmed by the Arbitrator, were, that the slaves were described in the papers from Puerto Rico as passengers, and as having been actually sold to a person in Cuba; and that therefore they were not brought to Cuba for the purposes of traffic.

CLASS B.

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But these alleged reasons were not borne out by the facts of the case ; for in the only documents found among the ship's papers which referred to the negroes, and which were in form of licenses, the negroes were not designated as passengers, but were described rather as parcels of goods or property, which certain persons were authorized by those licenses to transport from one place to another.

It was not, attempted to be maintained that the negroes were passengers, voyaging by their own free will : and the fact of their having been previously sold to a person in Cuba, even if true, was no proof that they were not brought to Cuba in a manner and for a purpose contrary to the meaning of the Treaty. For if it were to be admitted that the transport from Africa were lawful, provided always that the slaves were considered as having been sold to an European purchaser, previously to their removal from the African coast, then it is obvious that all the Treaties which have been concluded for the Suppression of Slave Trade, would, by such an evasive interpretation, be reduced to a mere waste paper.

But the Treaty expressly declares that all Slave Trade on the part of Spain is abolished in all parts of the world ; and that the subjects of Her Catholic Majesty shall not be concerned, nor her flag be used, in carrying on the trade in slaves in any way : and these slaves were newly imported negroes, and therefore ought to have been set free.

There is no stipulation in the Treaty, under which the mere fact that the name of passengers is given to slaves, can save from condemnation a vessel containing fresh slaves ; nor by which, if the purchase of slaves is effected in one place, they can be transported to another place, for the purpose of being delivered over to the purchaser.

Such an interpretation would defeat the whole purpose of the Treaty, and never can be allowed.

If the reasoning of the Spanish Arbitrator be admitted, a vessel might go to Africa, and there take in a cargo of slaves ; the slaves might from the commencement of the voyage be called passengers, and the vessel and her cargo would under that interpretation be safe : or else sales of the slaves might be made in Africa, or at any spot at which the vessel might touch in her return voyage from thence, and the vessel and her cargo would thus be secured from condemnation.

I have consequently received the instructions of my Government to protest, in the name of Her Britannic Majesty, against the sentence given by the Spanish Arbitrator, in the case of the "*Vencedora* ;" such sentence being directly contrary to the spirit and meaning of the Treaty of 1835, and necessarily tending to defeat the express intention with which the High Contracting Parties concluded that Treaty.

I am further directed by the Government of Her Britannic Majesty, to urge upon your Excellency the necessity which exists for sending out instructions, for the guidance of the Commissioners at the Havana in future cases of the like nature, directing those Commissioners to give sentence for the condemnation of all vessels found with slaves on board, unless such slaves shall be employed as part of the crew of the vessel, and shall be enrolled as such in the original Muster-roll thereof ; or unless they shall be proved by evidence to be *bonâ fide* domestics, attending as such upon their master on board the vessel detained.

I have, &c.

His Excellency Count Ofalia,
&c. &c. &c.

(Signed) GEORGE VILLIERS.

P.S. Since writing the above, I have had the honour to receive your Excellency's note of the 24th instant, in answer to mine of the 25th January last, in which your Excellency is pleased to inform me, that it appears from the investigations made in Cadiz by the political chief, that the "*Vencedora*" had not the slaves on board while she was in that port, and that the Marine, Sanitary, and Custom-house authorities rigorously and scrupulously examined the said vessel, and observed no cause of complaint against the Master and owners of the said vessel.

I can only observe to your Excellency, that on reference to the proceedings in the cause of the "*Vencedora*," before the Mixed Court, I do not think that any impartial person could be persuaded that, during the time the "*Vencedora*," remained in the port of Cadiz, she had not the slaves concealed in a part of the hold. It appears that during the passage from Cadiz to Puerto Rico, the passengers were frequently annoyed by fetid smells from below ; that great quantities of rice were cooked, the object of which was unknown to the passengers, and that none of the passengers were permitted to go down below even for a change of

clothes, which were fetched up by the sailors. At Puerto Rico a number of jars which had been used for necessary purposes were put ashore. The negroes on being examined, unanimously declared that they had never been but in one ship; the same in which they were found, and on board which they were put when taken from their native coast, and that the voyage had been about two moons. These negroes were all bozal, understood no European language, and were ignorant of the names by which it was pretended they were called.

This evidence was refused to be heard by the Spanish Judge of the Mixed Court, because a sentence had already been pronounced previously to these facts being discovered, but this circumstance does not in the least affect the weight of the testimony.

(Signed) G.V.

Second Enclosure in No. 12.

(Translation.)

Count Ofalia to Sir George Villiers.

SIR,

Madrid, May 24, 1838.

In the note which you were pleased to address to me on the 25th January last, you thought proper to state to me that the Spanish vessel "*Vencedora*," lately captured, and carried into the Havana for having slaves concealed on board, procured them on the river Congo, and brought them to Cadiz, keeping them in the closest confinement during the time the vessel remained there, as the passengers of the same vessel were aware, and you requested that enquiries might be instituted into the circumstances attendant upon the stay of the "*Vencedora*" at Cadiz, and as to whether the sanitary authorities were really aware of the crime that was being committed there.

On the 29th of the same month I had the honour to inform you, that I would communicate to you the result of the enquiries ordered to be made at Cadiz for ascertaining the truth of this inhuman act.

From the investigations which the Home Department had made in Cadiz, through the political chief of that province, it appears that the "*Vencedora*" had not the slaves on board while she was in that port, and that the Sanitary, Marine, and Custom-house authorities rigorously and scrupulously examined the said vessel, without having discovered any cause for proceeding against the Master and owners of her.

I avail myself, &c.
(Signed) THE COUNT OF OFALIA.

The British Minister,
&c. &c. &c.

No. 13.

Viscount Palmerston to Sir George Villiers.

SIR,

Foreign Office, June 11th, 1838.

I HEREWITH transmit to you copies of a letter and of its enclosures, received by me from the Colonial Department, on the subject of tonnage duty, which has been demanded by the Governor-General of Cuba from the brig "*Venus*," on her return to the Havana, after having been employed in conveying to their destination negroes, emancipated under the sentence of the Mixed Court of Justice, in pursuance of the stipulations of the Treaty of June 1835.

As the local Government of Cuba had in every previous instance of the kind remitted the tonnage duties, and as there does not appear to be any cause why this case should have been made an exception to the general rule, I have to desire that you will represent this circumstance to the Spanish Government, and request them to send out orders to Cuba, that the indulgence in question may be given in this case, and may be continued to be given to vessels engaged in or returning from an employment, such as that in which the "*Venus*" had been engaged.

I am, &c.
(Signed) PALMERSTON.

Sir George Villiers, G.C.B.
&c. &c. &c.

First Enclosure in No. 13.

Mr. Stephen to the Hon. W. Fox Strangeways.

SIR,

Downing Street, 25th April, 1838.

I AM directed by Lord Glenelg to transmit to you, for the consideration of Viscount Palmerston, the copy of a letter from Dr. Madden; from which it appears that the exemption from tonnage duties, usually granted to vessels employed in removing liberated negroes from the Havana, has in the recent case of the brig "*Venus*" been refused by the Spanish Government at that place.

I have, &c.

(Signed)

JAS. STEPHEN.

The Hon. W. Fox Strangeways.

&c.

&c.

&c.

Second Enclosure in No. 13.

Dr. Madden to Lord Glenelg.

MY LORD,

Havana, 25th February, 1838.

I HAVE the honour to inform your Lordship, that I moved the 17 remaining negroes of the "*Matilda*," who had been left here in the sick depôt, on the 8th instant, being then all declared convalescent by the Surgeon of Her Majesty's ship "*Romney*," on board the packet "*Melville*," which sailed on the 9th instant for Belize; the expense for the removal of the 17 being 150 dollars: having had no occasion to purchase any provisions for the negroes since the departure of the others, and no addition to the expense of clothing, except for the women of this party, who having infants, and having remained so long here, I considered an additional dress for each was necessary, and this item was very trifling. I regret to say that the Intendant-General has refused to exempt the brig "*Venus*" from the charge of tonnage duties on her return to this port, though remitted in every former instance. Your Lordship will perceive, by the enclosed correspondence, that both my applications, and, on finding them unsuccessful, a memorial I requested the consignee of the "*Venus*" to send him, have been refused. This refusal I can look on in no other light than a desire to put the British Government to every possible expense in the execution of the Treaty, which is considered inimical to Creole interests, represented as they are by the Intendant-General. Had the Captain-General any control over his department, these duties would have been remitted. Their amount is 227 dollars.

I have, &c.

(Signed)

R. R. MADDEN.

The Right Hon. Lord Glenelg,

&c.

&c.

&c.

Third Enclosure in No. 13.

Dr. Madden to His Excellency Conde de Villanueva.

MOST EXCELLENT SIR,

Havana, 5th January, 1838.

I HAVE the honour to inform your Excellency, that the Bremen brig "*Venus*" sailed from this port, with liberated negroes of the "*Matilda*," on the 31st December for Belize, and will return here in ballast; and as in the former similar cases, I have to request your Excellency will be pleased to issue the necessary orders for the remission of the tonnage duties on her return, as likewise the duty on the rice shipped for the use of the negroes. The vouchers, specifying the particulars of both, I have the honour to enclose; and, with the highest respect,

I have, &c.

(Signed)

R. R. MADDEN.

To his Excellency the Conde Villanueva.

Fourth Enclosure in No. 13.

Dr. Madden to the Conde Villanueva.

MOST EXCELLENT SIR,

Havana, 24th January, 1838.

I BEG respectfully to call your Excellency's attention to the subject of an application made immediately after the departure of the "*Venus*," for the remission of the tonnage duties on that vessel: she has now returned, and the consignee has been called on by the Custom-house to pay those duties. The "*Venus*" having returned, as she went, in ballast, and in all former cases those duties having been remitted, I have to beg your Excellency will be pleased to issue the necessary orders.

I have, &c.

(Signed)

R. R. MADDEN.

The Conde Villanueva.

Fifth Enclosure in No. 13.

H. Watjea and Co. to Dr. Madden.

SIR,

Havana, 8th February, 1838.

HAVING applied to the Custom-house for a remission of the tonnage duties on the Bremen brig "*Venus*," on her return from Belize to this port, we were directed by the Collector to memorialise the Intendant on this subject, the Collector not believing himself authorised even in this case to grant an exemption from a fiscal charge established by law. We consequently respectfully solicited his Excellency to be pleased to order that the amount of said tonnage duties might be returned, in consideration of the nature of the service in which the vessel had been employed; but are sorry to say, we were answered in the negative. His Excellency stating, as a reason for his refusal of our request, that the present situation of the royal treasury would not admit of any deviation from the rules laid down in the tariff now in force. We find ourselves for this reason under the necessity of applying to you for the payment of the sum exacted from us by the revenue, which, according to the stipulations of the charter party, is at your charge. The sum amounts to 227 dollars 2 rials, as per account, which we beg leave to accompany, requesting you to let us know when and where we shall be refunded for our provisional outlay.

We are, &c.

(Signed)

H. WATJEA AND CO.

Dr. Madden.

Sixth Enclosure in No. 13.

The Count de Villanueva to Dr. Madden.

SIR,

Havana, 5th February, 1838.

THE limited means of Her Majesty's treasury not allowing of the exemption from tonnage duties in the case of the Bremen brig "*Venus*," which transported negroes from this port to the English Colonies, and has returned in ballast, I have issued directions for the collection of the corresponding duties; which I state to you in reply to your official notes of the 5th and 24th January last, in in which you solicited the aforesaid exemption.

God preserve you many years,

(Signed)

EL CONDE DE VILLANUEVA.

Dr. Madden.

No. 14.

Viscount Palmerston to Sir George Villiers.

SIR,

Foreign Office, June 13th, 1838.

I HAVE received your despatch of the 2nd of June 1838, containing your correspondence with Count Ofalia on the subject of the "*Vencedora*."

I approve entirely the observations which your note to Count Ofalia of the

26th of May, 1838, contains, upon the statement in his Excellency's note to you of the 24th of the same month, upon the subject of the slaves said to have been concealed in the hold of the "*Vencedora*."

You will further say to Count Ofalia, that having communicated to me the correspondence in this case, you are instructed to state to his Excellency, that the report made to him upon it can only be considered by Her Majesty's Government as an additional proof, that unfortunately no reliance can be placed upon any of the subordinate authorities of the Spanish Government, either in the Colonies, or even in Spain itself, for the due execution of the laws of Spain, and of the Treaties between Spain and Great Britain, for the suppression of the Slave Trade.

Sir George Villiers, G.C.B.
&c. &c. &c.

I am, &c.
(Signed) PALMERSTON.

No. 15.

M. d'Aguiar to Viscount Palmerston.—Received June 16, 1838.

MILORD,

33, Wimpole Street, Junio 16, de 1838.

EN consecuencia de la nota que, con fecha 28 de Marzo ultimo, tuvo el honor el Infrascrito, Enviado Extraordinario y Ministro Plenipotenciario de Su Magestad Catolica cerca de Su Magestad Británica, de parar à S. E. el Lord Visconde de Palmerston, Principal Secretario de Estado y de negocios Estrangeros de Su Magestad la Reina de Inglaterra, de orden de Su Gobierno, relativa al insulto hecho por el Capitan Bosanquet, comandante del "*Leveret*," de la Marina real Inglesa en el puerto de Mozambique, al comandante Español del "*Diogenes*," tiene ahora la honra de pasar à sus manos el adjunto documento original, en que se prueba de un modo irrecusable que el Bergantin "*Aguila Vengadora*" es, y no el "*Diogenes*," aquel, cuya descripcion y señas corresponden exactamente al barco, que el referido Capitan Bosanquet manifesto al Gobierno de Mozambique haber hecho fuego à su bote; y de consiguiente que el ataque hecho al "*Diogenes*" fue sin provocacion alguna por su parte, atentatorio é injusto en todos sentidos.

Con este motivo el Infrascrito, &c.

(Signed) MANUEL M. D'AGUILAR.

Excellentísimo Señor Visconde de Palmerston,
&c. &c. &c.

Translation.

MY LORD,

33, Wimpole Street, June 16, 1838.

IN consequence of the note, which under date of the 28th of last March, the undersigned, Envoy Extraordinary and Minister Plenipotentiary of Her Catholic Majesty, had the honour to transmit to Lord Viscount Palmerston, Her Britannic Majesty's Principal Secretary of State for Foreign Affairs, by order of his Government, relative to the insult offered by Captain Bosanquet, commander of Her Britannic Majesty's ship "*Leveret*," in the port of Mozambique, to the Spanish commander of the "*Diogenes*," he now does himself the honour to transmit to his Lordship, the enclosed original document, which proves beyond contradiction, that it was the brig "*Aguila Vengadora*," and not the "*Diogenes*," whose description and marks correspond exactly with the vessel which Captain Bosanquet stated to the Government of Mozambique to have fired at his boat; and that consequently the attack on the "*Diogenes*" was without any provocation on her part, outrageous and unjust in every respect.

The undersigned avails himself, &c.

(Signed) MANUEL M. DE AGUILAR.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 15.

(See Enclosure in Note from M. de Carvalho of the 14th June, 1838, No. 119.)

No. 16.

Sir George Villiers to Viscount Palmerston.—(Received June 25.)

MY LORD,

Madrid, June 16, 1838.

I HAVE the honour to enclose the copy and translation of a note, which I have received from Count Ofalia, in answer to mine of the 29th of April, respecting the liberation of the slave vessel "*General Laborde*" by the Mixed Commission at the Havana, and with reference to my despatch to your Lordship of the 12th ultimo, I enclose the copy of a form of instruction to the Mixed Commission, which I have drawn up and presented to Count Ofalia.

His Excellency has adopted it, and assured me it should be forthwith sent to the Havana, adding that he should further direct the Spanish Commissioners, in all doubtful cases, to give their decision in strict conformity with the spirit of the Treaty.

I have had the honour to receive your Lordship's despatches of the 24th, the 28th, and the 31st of May.

I have, &c.

(Signed)

GEORGE VILLIERS.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

First Enclosure in No. 16.

Count Ofalia to Sir George Villiers.

SIR,

Madrid, 20th May, 1838.

IN my office there is no antecedent nor information whatever, as I had the honour of informing you verbally, relative to the capture and adjudication, by the Mixed Court of Justice at the Havana, of the Spanish brig "*General Laborde*," of which your note of the 29th April last treats.

I this day asked the Minister of Marine, Commerce, and Colonies, if he has any data upon the subject, in order, with this additional information, to be enabled to give the necessary instructions to the proper authority of Cuba, respecting however the sentence passed in the case of the brig "*Laborde*," as you are pleased to indicate, and in the mean while I agree with you that, when the Article of a Treaty, or a part of it, has an ambiguous or obscure sense, it ought to be interpreted according to the spirit and object of the Treaty itself, and to the tenor of the other articles with which it has relation.

I avail myself, &c.

(Signed)

THE COUNT OF OFALIA.

To the British Minister.

Second Enclosure in No. 16.

Form of Instruction to the Mixed Commission at the Havana.

The Spanish merchant vessel "*General Laborde*," captured for having on board most of the things prohibited in the Tenth Article of the Slave Treaty of 1835, having been liberated by the Mixed Court at the Havana, on the ground chiefly that these articles had been originally put on board for a legal purpose, it is manifest, that should this interpretation of this article be persisted in, the whole object of it would be destroyed; for in order to evade its provisions, the slave merchant would have simply to employ his vessel once in some legal voyage, in which such articles were required, (such as the conveyance of troops) and the said vessel would ever afterwards be free to be employed in slave dealing.

It is true that the Tenth Article of the Slave Treaty stipulates, that the vessel on which forbidden articles are found in the manner stated shall not be condemned, if evidence be brought by the Master or owner, clearly establishing that the vessel was, at the time of her detention or capture, employed in some legal pursuit, for which the forbidden things were required. But it must not be understood that *any* evidence can be advanced, of a nature sufficiently strong to resist the conclusion, to be drawn from the actual presence of the various forbidden articles,

which, it is allowed, are not required in the particular voyage in which the vessel is engaged, but which may have been wanted in some former one.

Such an interpretation is in complete opposition to the whole spirit of the Treaty, and is only borne out by a sense given to the words of the conclusion of the Tenth Article, which it is clear they were never intended to bear.

The Government of Her Catholic Majesty, therefore, issues instructions to the Commissioners of Spain at the Havana, to the effect that, in future, the true construction which is to be placed upon the words contained in the last paragraph of the Tenth Article of the Treaty of 1835 is, that a vessel having on board, during the voyage on which she is taken, all or any of the things prohibited under the Tenth Article of the Treaty, is, when brought before the Mixed Tribunals on that account, to be considered as being employed in the slave trade, and is to be condemned accordingly; unless with respect to every prohibited thing on board there is clear and incontestable evidence, that it was needed for legal purpose, on the particular voyage on which the vessel when captured was proceeding.

No. 17.

Sir George Villiers to Viscount Palmerston.—(Received July 2.)

MY LORD,

Madrid, 23rd June, 1838.

I HAVE the honour to enclose the copy of a note which, in obedience to the instructions contained in your Lordship's Despatch marked Slave Trade of the 31st May, I have addressed to Count Ofalia, again requesting that permission occasionally to go ashore may be granted to the soldiers of colour, employed on board Her Majesty's ship "Romney" at the Havana.

I am, &c.

GEORGE VILLIERS.

(Signed)

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 17.

Sir G. Villiers to Count Ofalia.

SIR,

Madrid, June 19th, 1838.

I HAVE received the further instructions of my Government again to press upon your Excellency's attention the necessity of permitting the black soldiers, in the service of Her Britannic Majesty, on board the "Romney" Hulk at the Havana, occasionally to go ashore.

The confinement of these soldiers on board the ship, renders almost impossible the performance of the duty to which the "Romney" is destined. Your Excellency is well aware that the effect of the Hulk being stationed at the Havana, is a great relief and a saving of expenditure to the Spanish Government, enabling them to get rid of the liberated negroes, without any further trouble or cost than their simple removal from one ship to another; whereas, if a receiving Hulk were not placed on the station, they must be kept on shore until an opportunity occurred for transporting them to a British possession.

It might have been hoped that this consideration alone, combined with that of humanity, would have induced the Spanish Authorities in Cuba to regard the persons engaged in this arduous task with indulgence: so far is it, however, from being the case, that the men so employed, who are as much regular soldiers of the British army as any other of Her Britannic Majesty's subjects, have been condemned, by the order which forbids them to land, to a perpetual imprisonment, in an unhealthy climate, and on the water, simply because of their colour.

I have already had the honour of informing your Excellency, that had not these soldiers of colour been perhaps the only class of individuals in Her Britannic Majesty's service capable of maintaining their health while employed in this duty; the British Government, rather than be compelled to make so many, and such urgent representations on the matter to that of Her Catholic Majesty, would have

relieved them by white subjects of Her Britannic Majesty; but the mortality among Englishmen would-be such as probably to render it incumbent upon my Government to remove the "Romney" altogether, and no longer to permit the continuance of the services which that vessel renders to the cause of humanity, if performed at such a price.

If any reasons were wanted, in support of the propriety of the interference of the Government of Her Catholic Majesty in this case, they would be found in the nature of the arguments alleged in defence of the order issued by the Captain-General. It has been stated, first, that free men of colour were not permitted to land in Cuba, and next, that the object for which British soldiers of colour were employed upon this duty was, that of raising recruits among the negroes of the colony.

I have already had the honour of stating to your Excellency, that nothing can be more common than to see free men of colour in the vessels of both the United States and of Great Britain, in the ports of Cuba, who are not impeded from going ashore. And as regards the other objection, I trust it was sufficient for me to have informed your Excellency, as I did in my note of February 14th, that it never was intended to employ the British soldiers of colour, on board the "Romney," in any such manner.

I venture therefore to hope, that the reasons which I have now once more brought before your Excellency for according permission to the soldiers stationed on board the "Romney" occasionally to go ashore, will induce your Excellency to direct that it may be given, without further time being lost by reference to the Havana, and that I may have the satisfaction of reporting to my Government, that this request has been met in that spirit of justice and conciliation, which characterises the proceedings of your Excellency.

I have, &c.

(Signed)

GEORGE VILLIERS.

His Excellency the Count Ofalia,
&c. &c.

No. 18.

Sir George Villiers to Viscount Palmerston.—(Received July 2.)

MY LORD,

Madrid, 23rd June, 1838.

HAVING received, from Her Majesty's Consul at Cadiz, information that vessels destined for the Slave Trade were equipping at that Port, I have addressed a note upon the subject to Count Ofalia, of which I have the honour to enclose a copy to your Lordship.

I have, &c.

(Signed)

GEORGE VILLIERS.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 18.

Sir G. Villiers to Count Ofalia.

SIR,

Madrid, June 22nd, 1838.

I HAVE the honour to inform your Excellency that I have received a communication, from a source which may be relied on, to which I beg to call your Excellency's immediate attention.

The slave vessel "*Velox*," condemned by the Mixed Commission at Sierra Leone, and which was sold there in 1837, and subsequently transferred to the hands of certain merchants in Cadiz, has again sailed for the Coast of Africa from that port.

The colours under which this vessel sailed were Portuguese, although she was well known to be Spanish property.

The fact of a slave vessel being known to have come into the hands of merchants,

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notoriously engaged in this inhuman traffic, and being announced in the papers for departure in a mysterious manner, without indicating whither she was bound, ought to have excited the vigilance of the authorities: the contrary, however, appears to have taken place; for I am not aware that this vessel could have changed her colours, in a Spanish port, without the intervention of some authority, whose duty it was to respect, and, as far as laid in their power, to carry into execution, the laws of the country by which the Spanish slave trade is suppressed. However, a connivance of a far graver character remains to be mentioned.

The "*Veloz*" (having assumed probably some other name) sailed from the port of Cadiz, equipped with spare planks, shackles, bolts, handcuffs, and other articles expressly prohibited by the tenth article of the treaty of June, 1835, and which could not have escaped the notice of the authorities, to whom the master of the vessel was bound to apply for his papers.

I have further to inform your Excellency that another vessel, at present in the port of Cadiz, under the name of the "*Marinero*," and belonging to the same owners as the "*Veloz*," is also in a state of preparation for a slave adventure, to be commenced at the close of this month.

I hasten to lay these facts before your Excellency, under the full conviction that the Government of Her Catholic Majesty will feel, that the honour and good faith of the country is compromised by authorities, who not only permit such shameful violations of a solemn treaty, but appear to have absolutely aided and abetted those guilty of so grave a crime. I am convinced your Excellency will feel that the subject demands the strictest investigation, and the severe punishment of the officers whose duty it was to prevent the perpetration of the offence.

I have, &c.

(Signed) GEORGE VILLIERS.

His Excellency Count Ofalia,
&c. &c.

No. 19.

Sir George Villiers to Viscount Palmerston.—(Received July 8.)

MY LORD,

Madrid, June 30, 1838.

I HAVE the honour to enclose the copy and translation of a note, which I have received from Count Ofalia, in acknowledgment of mine, dated the 22nd instant, respecting the equipment of slave-vessels at Cadiz.

I have, &c.

(Signed) GEORGE VILLIERS.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 19.

(Translation.) *The Count Ofalia to the British Minister.*

SIR,

Madrid, June 24th, 1838.

IMMEDIATELY upon the receipt of your note of the day before yesterday, denouncing to the Government of Her Majesty the Queen two facts, which apparently afford room to qualify them as contrary to the letter of the Treaty concluded in 1835 between England and Spain, for the abolition of the Slave Trade, I have written officially without loss of time to the Minister of Marine, that the necessary orders be issued to proceed to the investigation of the above two incidents, and proper measures be adopted, to impede any violation which may be attempted of the stipulations in the Treaties made on the subject in 1817 and 1835.

I avail myself, &c.

(Signed) THE COUNT OF OFALIA.

To the British Minister.

No. 20.

Sir George Villiers to Viscount Palmerston.—(Received July 8.)

MY LORD,

Madrid, 30th June, 1838.

I HAVE the honour to enclose the copy and translation of a note, which I have received from Count Ofalia, in reply to mine dated the 29th April, respecting the sentence given by the Mixed Commission at the Havana, in the case of the vessel "*General Laborde*."

In my Despatch of the 16th instant, I informed your Lordship, that Count Ofalia had adopted the draft of instructions upon this matter which I had presented to him, and had assured me that they should be transmitted to the Havana. His Excellency, however, has since stated to me that, upon re-consideration, it appeared to him necessary to define in a more special manner the term *particular voyage*. He told me the terms in which it was his intention to do so, and said that he should communicate them to me officially. I replied that I could not but regret his determination, because, although no bad consequences might result from it, if the authorities at Cuba acted with good faith, yet that as their connivance with slave-dealers was notorious, as well as the facility with which a vessel engaged in the Slave Trade could be provided with false papers, it appeared important that no greater latitude should be given to the term *particular voyage*, than that pointed out in my note of the 29th April, and in the draft of instructions.

Count Ofalia said his only object was to give protection to the fair trader, and to vessels engaged in transporting troops between Europe and the colonies, or in lawful traffic between Cuba and Puerto Rico, but that he should be prepared to reconsider the instructions, if they were hereafter found insufficient, or open to abuse.

I have, &c.

GEORGE VILLIERS.

(Signed)

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 20.

(Translation.)

Count Ofalia to Sir George Villiers.

SIR,

Madrid, June 21st, 1838.

ALTHOUGH neither in the ministry of Marine and Colonies, nor in that under my charge, any information has been received of what has taken place in the Mixed Court of Justice at the Havana, respecting the vessel "*General Laborde*," I had no difficulty in stating to you on the 20th ultimo, in answering your note of the 29th of April, that the opinion of the Government of her Majesty the Queen was in conformity with that of Her Britannic Majesty's, that when the Article of a treaty contained any obscure or ambiguous clause, it ought to be interpreted according to the spirit and object of the treaty, and to the tenor of its other articles.

But of this principle it was not possible for me to make a practical application, or one limited to the particular case of the vessel "*Laborde*," and to the sentence of the Mixed Tribunal on this occasion, because up to this moment no certified copy of the process, nor of the opinion of the English Judge, nor of the Spanish, nor of the arbitrator chosen by lot, whose decision caused sentence to be given.

You justly acknowledge that that sentence cannot be disturbed; and that the difference of opinion between the Judges might have arisen from the latter part of Article ten, of the treaty of 1835, having an ambiguous expression, which may give rise to an interpretation, different from that which appears natural should be made, of the object and spirit of the treaty.

In order to avoid this inconvenience and ambiguity in future, you, in the name of your Government, request that the Spanish Commissioners at the Havana be instructed, that the last paragraph of the tenth Article is to be understood and interpreted, in the sense that a vessel having on board, during the voyage in which she is taken, all or any of the articles prohibited under the said tenth Article, is on that account, when brought before the Mixed Tribunals, to be considered as being employed in the Slave Trade, and to be condemned accordingly; unless with

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respect to every prohibited article on board there is clear and incontestible evidence, that it was needed for legal purpose, on the *particular voyage on which the vessel when captured was proceeding*.

This explanation, which the Government of Her Britannic Majesty request in substance, being conformable to the spirit and object of the treaty, there has been no difficulty on the part of that of Her Majesty the Queen in issuing the necessary orders to the Captain-General of the Island of Cuba, for his information, and that of the Spanish Commissioners who form part of the Mixed Tribunal. But some further explanation respecting the words *on the particular voyage on which the vessel when captured was proceeding*, has appeared necessary, in order that the return voyage of the vessel to the point, from whence it set out having these articles, be also understood; because, for instance, the case might occur of a vessel leaving the Havana on a legal enterprise, as would be the conveyance of troops, or of passengers in considerable number from Europe to America, or *vice versa*, or of Colonists from one Island to another, having consequently several of the things prohibited by the tenth Article on board, but necessary for its undertaking; such might be a large number of barrels for water, or of boilers of cooking a greater quantity of flour or rice, &c.

On returning from its expedition, after having left the troops or passengers at their destination, it would be possible that these articles might be found on board, without their appearing *then* a necessity for them *on the return voyage*. It might also happen, that not having found freight or proportionate cargo for its return to the place where it left the troops, passengers, or colonists, it might have been obliged to go to look for it in some other port, and that being captured, it then might be sought to repute as a *distinct voyage* that which was solely undertaken from the necessity of obtaining freight for its return. The voyage from the port of its departure until its return to the same point, can only be considered as one sole voyage, nor can it be called to account for having on board articles of those prohibited by the 10th Article, which were necessary for its legal speculation at the time of its undertaking it.

Without an explanation of this kind the words, *particular voyage on which it was proceeding* at the time of its capture, might perhaps admit of an interpretation too strict in the other extreme, with prejudice to some navigator of good faith.

I avail myself, &c.

The British Minister,
&c. &c.

(Signed)

THE COUNT OF OFALIA.

No. 21.

Sir George Villiers to Viscount Palmerston.—(Received July 8.)

MY LORD,

Madrid, June 30, 1838.

I HAVE the honour to enclose the copy and translation of a note, which I have received from Count Ofalia in reply to mine dated the 26th of May, respecting the sentence given by the Mixed Commission at the Havana, in the case of the vessel "*Vencedora*."

The documents contained in Count Ofalia's note correspond to the Enclosures Nos. 6 and 8, in the Despatch of the 22nd November* last year, from Her Majesty's Commissioners at the Havana, of which a copy was transmitted to me in your Lordship's Despatch of the 24th† April, 1838, with the exception of Count Fernandina's report, of which I inclose the copy and translation.

I have, &c.

(Signed)

GEORGE VILLIERS.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

First Enclosure in No. 21.

(Translation.)

Count Ofalia to Sir George Villiers.

SIR,

Madrid, June 20, 1838.

THE importance of the charges against some authorities in the Peninsula and the Mixed Commission of the Havana, which might result from the indications

* See No. 26, p. 38, in Class A. (Further Series) of 1837.

† See No. 26, p. 20, in Class B. (Further Series) of 1837.

contained in your two notes of the 25th January and 26th May last, with reference to the occurrence with the Spanish vessel "*Vencedora*," and the necessity, which its very importance occasioned, of instituting inquiries within and beyond the Peninsula, have produced the delay which you adverted to in your second note, and that which has since taken place.

As regards the essential part of the present question, you must perceive, that the liberty of the vessel "*Vencedora*," possessing the character of a matter already judged, it does not appear that there are legal means to alter that decision. With respect to that vessel having arrived at Cadiz with slaves on board, the reports of the three principal authorities of that place have been unanimous and conclusive. Nevertheless, fresh information will be demanded from the Island of Cuba, with regard to the indications which you make in your second note by order of your Government, and it will even be made to extend to what took place in the Mixed Tribunal, in order to illustrate the conduct of the Judges, although from that which has been received directly from thence, with a copy of the process, and of the vote of the Judge Count Fernandina, and of the arbitrator, which constituted the sentence, circumstances and data are added with regard to that occurrence, which in my opinion prove, that at least there were some legal grounds on which the Count and the arbitrator could found their vote, and that it was one given in good faith, more or less correct, but truly to the best of their knowledge and judgment. For your complete information, I have the honour herewith to enclose a literal copy of the said vote, and the essential part of the report of the Count. From these you will perceive, that none of the articles or things specified in the Tenth Article of the Treaty of 1835, were found on board the "*Vencedora*," and that all the 26 slaves she carried were coming from Puerto Rico, with their correspondent passports, in the character of passengers, and included as such in the roll and bill of health, and bringing besides a formal testimony of the titles of acquisition in favour of the proprietors resident in the Island of Cuba, in whose new service they were about to enter.

Leaving aside for the present this part of facts, and touching the question of right, you will permit me to state, that the translation of slaves (when these are beforehand the legitimate property of a Spaniard) from one point to another of the dominions of Her Majesty, is not prohibited by the Treaty of 1835, and in that of 1817 it was foreseen and permitted by the Seventh Article of the instructions, with formalities which were not sufficiently explained.

This translation of slaves legitimately acquired, from one Spanish port to another, not prohibited by the Treaties, has no connexion with the hypothetical case which you lay down, of one who on the African coast, or coming from thence to a Spanish port, should pretend that the negroes were the property of an inhabitant of another port, as for example of the Havana. The difference consists in that the permitted translation can only be understood as regards those owners of slaves, who having legally acquired them, wish to carry them to another port of the Spanish territory, to employ them on the labours of the country on their own account, or from having legally sold them, in the exercise of their right of property. In the Island of Cuba, for example, a legitimate proprietor of slaves may wish to translate them from the Havana to Santiago de Cuba, or another port, in order to improve some property recently acquired or augmented, or to commence cultivation on a larger scale, or apply those hands to any other industry which he might choose; and he could not be deprived of doing so by sea, provided he carried the documents proving his legitimate property. The contrary would be equal to imposing on him the necessity of conducting by land, across the island, those negroes, with considerable expense to himself, and personal injury to them, who would have to travel on foot through uncultivated and bushy lands, suffering the burning heat of the sun, so prejudicial in those climates.

These are the reasons which prevent acceding entirely to the wishes of Lord Palmerston, for it would be depriving a legitimate owner from carrying his labouring slaves from one Spanish port to another. In what is within my power, I am ready to gratify his Lordship; and I cannot find any other means than to give instructions, that precautions be adopted to impede and render impossible, that the illicit traffic of negroes, not slaves, be carried on under pretext of conveying from one port to another those who are already so, and have known owners. In this sense, and to prevent any such frauds, I issue the necessary instructions to the

Captain-General of the Island of Cuba, in order that they may be adopted by him, and communicated to the Spanish Judges, who form part of the Mixed Tribunal at the Havana.

I avail myself, &c.

(Signed) THE COUNT OF OFALIA.

The British Minister,
&c. &c. &c.

Second Enclosure in No. 21.

(Translation.)

Count Fernandina to General Tacón.

MOST EXCELLENT SIR,

Havana, December 23, 1837.

I HAVE the honour to enclose to your Excellency a certified Copy of the Process, formed in the Mixed Tribunal of Justice over which I preside, regarding the detention of the Spanish schooner "*Vencedora*," from Cadiz and Puerto Rico, by Her Britannic Majesty's cruiser "*Ringdove*," in order that, if your Excellency considers it, as I do, worthy of being submitted to the Supreme Government, from the nature of the questions which in it have been mooted, you may be enabled to do so, with the report which you may consider necessary. The "*Vencedora*," whose size is only 80 tons, left Cadiz on the 23rd of August last, loaded with national goods, and carrying, besides her crew, 29 passengers, 4 of whom landed in the Island of Puerto Rico, where she arrived on the 28th of September. She remained there eight days, took in 50 passengers more, among them 26 slaves, and all, with their corresponding passports from that Government, were included in the Muster-roll of the vessel, and the Bill of Health. The slaves brought also the deeds of their acquisition, executed in due form in favour of inhabitants of this place, by whose order they were embarked; and, notwithstanding all this, the Commander of the cruiser thought himself authorized to detain the vessel, without any other grounds than the presumption that the slaves were of illicit and recent introduction into Puerto Rico, and that the passports were not sufficient to legitimize their carriage, not being granted directly to the vessel, but to the slaves themselves. Such was the case presented to the Tribunal by the first reports of the Commander capturer. The "*Vencedora*" had been scrupulously searched, without there being found in her any of those effects which, conformably to the existing treaty, would *prima facie* have led to the belief that she was employed in, or intended for, the Slave Trade; and the said Commander showed himself so convinced of this, that he thought it unnecessary to submit to the consideration of the Tribunal the log-book, seized by him with the other papers of the vessel. The officers of both ships were examined in the customary manner; and with these proceedings the Tribunal judged it convenient to pass sentence, although the British Judge dissented regarding the terms of it, voting for the condemnation of the vessel, whilst I voted in an exact contrary sense. Consequently, the drawing by lot disposed in such case was resorted to, by which the Spanish Arbitrator was designated to settle the dispute; and then it was that the English Commander gave another report, demanding the examination of the papers which had not been presented, and that the vessel and her loading be visited anew, because the slaves had declared, and even sworn in their own manner, through a negro woman who examined them, the horrible fact that the "*Vencedora*" had not taken them in at Puerto Rico, but had brought them direct from Africa by way of Cadiz, where they were kept concealed in the hold; conveying them in this inhuman manner, that they might not be seen by the passengers; the greater number were landed at Puerto Rico, and they themselves were afterwards pretended to be received. With this new state of things the British Judge thought the cause ought to take a new turn, and expressed his opinion that the Arbitrator could not resolve what ought to be done in case of difference of opinions and that new lots should be cast for every one of the points where there was a variance of judgment. My decided denial to adopt this system, manifestly contrary to the letter and spirit of the treaty, at last convinced him that he was mistaken; and, in union with the appointed Arbitrator, an absolutory sentence was not only pronounced, but also that no change ought to take place, from the incredible delay which extemporaneously had occurred, of an expedition supposed to have been verified from Africa by Cadiz to Puerto Rico.

In the process the reasons which were taken into consideration for deciding in this manner are inserted, and I do not consider it necessary to detain myself to invigorate them, because they are so obvious, and because the resolution of the Tribunal is without appeal. I have thought it necessary to make this known to Her Majesty, with a testimony of the process, and at the same time to offer a few indications, which appear to me to be worthy of attention. The detention of the schooner "*Vencedora*," although very simple in the point of view to be taken by the Mixed Tribunal, is an act of the gravest transcendancy, if considered by its effect on our agriculture and interior commerce, for it is necessary not to confound the question relative to the liberty of man in general, with the exercise of a recognized right, and with the liberty which every proprietor has to dispose of what he acquired under the safeguard of the laws. This notable distinction has always been kept in view, in all the Treaties concluded for the purpose of extinguishing or diminishing the Trade in Slaves; and neither in morality nor in policy can any reason be assigned capable of persuading, that the faculty of conveying slaves from one national possession to another, from one estate to another more distant, can be in itself reprehensible, or ought to be considered as a medium of augmenting the reprobated traffic. What is beyond a doubt is, that the proprietors would suffer enormous injury if not permitted to travel with their slaves, or send them from one point to another, except by land. This would be as unjust with regard to the masters, as inhuman towards the slaves, and the indication is sufficient to show how much the advancement of our agriculture would be injured, together with commerce and the public welfare. It is already notorious that with the detention of the "*Vencedora*" they have already begun to feel these disagreeable consequences. The fear of a similar occurrence has prevented many persons from sending their slaves by sea, and it is unnecessary to enumerate the expenses, the delays so prejudicial to their owners, and above all, the sufferings to which the unhappy men are exposed in such journeys, by the roughest roads, in such a burning climate, and at such considerable distances. These are not the reasons in which the Tribunal founded its determination: they tend, notwithstanding, to show the inconveniences, which may be produced by thus disturbing our interior communications, and, without doubt, it will be proper to lay them before the Supreme Government, that they may at all events be known; and likewise I think it necessary to call their attention to two general questions which have been raised by the British Judge in consequence of this case, and, which examined, one way or other, may give rise to consequences equally important and disagreeable. These questions are:—1st, If the Treaty respecting the Slave Trade, concluded in 1817, is or is not existing after the last one signed in 1835? and 2nd. If the sole fact of finding on board of a Spanish vessel African slaves, more or less acquainted with the Spanish language, is a just motive of suspicion, which justified the detention of the vessel? In my opinion it is sufficient to cast a glance at those Treaties, to dispel any doubt as to the negative on both points. The only indirect mention of anterior Treaties, which is made in that of 1835, is that which is contained in the First Article, in which Her Catholic Majesty declares anew, that the Slave Trade is abolished in all parts of the world. For the rest, it is very clear that the precautions adopted, in order not to confound the vessels trading to the south of the line with those of mere transport from one Spanish possession to another, had no longer an object, after the permission which had been granted in 1819 had ceased. It ought to be observed, also, that in the Treaty of 1835 many of the Articles analogous to that of 1819 were literally transcribed, an indubitable proof that those which were left out remained without effect. And lastly, it is a decisive and most striking circumstance, that in the Seventh and Eight Articles of the Treaty, as well as in the First of the Regulations for the Mixed Tribunal of Justice, it is expressly declared that the cases submitted to them shall be examined and sentenced, solely according to the Stipulations of that Treaty, an obligation which was imposed even on the Mixed Commissioners created by that of 1817, without any clause being found, or even a word, in virtue of which these Tribunals can consult any other law for their sentences, than the above-mentioned Treaty of 1835. As regards the second particular, neither does the Treaty contain the slightest indication that the circumstance of finding slaves on board, who are unacquainted with the English or Spanish languages, shall be a sufficient ground for the detention of a vessel. The Articles whose presence affords just cause for suspicion are designated in the Tenth Article with extraordinary pro-

licity, and it is not in the power of a Tribunal of Justice (which name was not in vain substituted for that of Mixed Commission) to enlarge a penal law beyond its express letter. On the other hand, it is well known that the Africans are very tardy in acquiring even an imperfect knowledge of any European language; and nothing is so difficult, nothing so vague, nor so foreign to a Tribunal, as the qualification of a circumstance of this kind, for which it would require to convert itself into the most singular academy possible to imagine. Thus a data so fallible, and of such small importance to condemn or absolve detained vessels, has never been attended to; and agreeably to the existing Treaty, it would certainly be an excess of the Tribunal to establish, on its own authority, a new ground of suspicion, not determined by the High Contracting Powers.

I beg therefore that your Excellency will be pleased to submit this to Her Majesty, if you think it necessary for the purposes I have indicated, communicating to me opportunely the resolution which may be taken regarding it, for my government and information.

God preserve, &c.

(Signed)

THE COUNT DE FERNANDINA.

His Excellency the Captain-General of the Island of Cuba.

No. 22.

Viscount Palmerston to Sir George Villiers.

SIR,

Foreign Office July 11th, 1838.

You will perceive from the accompanying papers, that the practice of kidnapping British negroes, and removing them to Spanish colonies, where they are detained in slavery, exists to a considerable extent.

Her Majesty's Government upon this information think it to be essential, that a British Consular Agent shall be established at Porto Rico. That agent will be specially instructed to do all in his power to put a stop to this practice.

Instructions to the same effect will also be given to Her Majesty's Consular Agent at the Havana.

Her Majesty's Government feel persuaded, that the Government of Her Catholic Majesty will be ready to co-operate in these measures of Her Majesty's Government; and I have to desire, that in stating these circumstances to the Spanish Government, you will request them to give orders to the Spanish Colonial Authorities, to affix publicly a penalty of adequate severity to the crime of kidnapping British negroes, and to take the requisite measures for giving practical effect to the laws, which may denounce punishment for that crime.

I am, &c.

(Signed)

PALMERSTON.

Sir George Villiers, G.C.B.

&c. &c. &c.

First Enclosure in No. 22.

Mr. Stephen to Mr. Backhouse.

SIR,

Downing Street, 8th June, 1838.

WITH reference to former correspondence, on the subject of measures to be taken for obtaining restitution of British negroes, unlawfully sold into slavery in Porto Rico, I am directed by Lord Glenelg to transmit, for the consideration of Viscount Palmerston, the accompanying copies of communications which have been received on this subject from Sir Wm. Colebrook, Governor in Chief of Antigua and the Leeward Islands; and also copy of a despatch which has been addressed by Lord Glenelg to Sir Wm. Colebrook, in reply.

As it appears from these papers, that there is reason to suppose that several hundreds of British negroes have been removed to Porto Rico, and are there detained in slavery, Lord Glenelg desires to recommend, for the favourable consideration of Viscount Palmerston, the suggestion of Sir Wm. Colebrooke and

Captain Hope, that a Consular Agent should be established at Porto Rico, and specially commissioned, to seek out all British negroes who may be detained in slavery there, and procure their liberation; and to prevent the future introduction of kidnapped British negroes into that Island. Lord Palmerston will probably concur also in the suggestion, that instructions should be given to the British Consular Agent at the Havana, to take all means in his power to effect the discovery and liberation of any British negroes, who may have been removed to Cuba, and to prevent the introduction of kidnapped British negroes into that Island in future.

Lord Glenelg would beg to suggest also, for Lord Palmerston's consideration, whether the Spanish Authorities ought not to be required to denounce penalties, of due severity, for the crime of kidnapping British negroes, and to take the requisite measures, for giving practical effect to the laws denouncing punishment in such cases.

I have, &c.,
(Signed)

JAS. STEPHEN.

To J. Backhouse, Esq.

Sub-Enclosure A. in No. 22.

Sir W. M. G. Colebrooke to Lord Glenelg.

MY LORD, *Government House, Antigua, 14th February, 1838.*

IN reference to your Lordship's Despatch of 24th October (Anguilla), I now enclose to your Lordship the copies of letters, which I have addressed to the senior naval officer at Barbadoes, and recently to Admiral Sir Charles Paget, in consequence of my not having received any answer to the former.

Under all the circumstances of the case, I have not considered it prudent to make any communication to the Captain-General of Porto Rico, except through the senior naval officer, in order that the measures may be simultaneously taken for the recovery of the captives.

I have, &c.
(Signed) W. M. G. COLEBROOKE.

To Lord Glenelg,
&c. &c. &c.

Sub-Enclosure B. in No. 22.

Sir W. M. G. Colebrooke to Sir Charles Paget, G.C.B.

SIR, *Government House, Antigua, February 14, 1838.*

I HAVE the honour to enclose to your Excellency copies of communications, which I have addressed to the senior naval officer at Barbadoes, and to which I invite your early attention, in order that her Majesty's subjects, who are in captivity, may obtain their liberation.

I have, &c.
(Signed) W. M. G. COLEBROOKE.

His Excellency Sir Charles Paget, G.C.B.
&c. &c. &c.

Sub-Enclosure C. in No. 22.

Sir W. M. G. Colebrooke to Captain Leith, R.N.

SIR, *Government House, Antigua, 8th December, 1837.*

I HAVE the honour to enclose to you the copy of a despatch, which I have received from Lord Glenelg, communicating the correspondence, which has passed between the British Minister in Madrid and the Spanish Government, relative to the captivity at Porto Rico of fourteen British negroes, who were removed to that island from Anguilla in 1836. As I learn from these documents that the most positive orders were to be given to the Captain-General at Porto Rico, directing him to proceed without delay to the emancipation of the British negroes, detained

CLASS B.

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as slaves in that island, I lose no time in requesting your assistance in effecting their liberation.

I have, &c.

(Signed) W. M. G. COLEBROOKE.

*To Captain Leith, R.N., or the Senior Naval Officer
commanding H. M. Ship, Barbadoes.*

Sub-Enclosure D. in No. 22.

Sir W. M. G. Colebrooke to Captain Leith, R.N.

SIR,

Government House, Antigua, 26th December, 1837.

IN accordance with your request, conveyed to me by Captain Whish, of Her Majesty's ship "Gannet," I have communicated to that officer the several documents which are on record here, in regard to the transactions referred to in my letter to you of the 8th instant; and in order to avoid delay, and to facilitate the recovery of the British negroes who are in captivity at Porto Rico, I beg to inform you that I have written to the Lieutenant-Governor of St. Christopher's, requesting that he would cause to be prepared authentic transcripts of the evidence, by which the negroes in question may be identified, and to deliver these documents to the officer, who may be appointed by you to execute the service, and who may call at St. Christopher's to receive them on his passage to Porto Rico.

As a compensation was granted to the persons, who had purchased the negroes, who were liberated in the Danish settlement, it is not unlikely that it may also be claimed in Porto Rico; and although the Captain-General will have received the most positive orders to proceed without delay to emancipate all who are there in captivity, it only becomes necessary, in order to effect their liberation, that such claims to a reasonable extent should be admitted.

As a guide in this negotiation I may observe, that a sum of 234l. 12s. was paid as compensation to the purchasers of 11 negroes who were liberated in the Danish settlements; and to facilitate the arrangements in Porto Rico, I shall be prepared to make such advance, as may be necessary to enable the officer to satisfy the equitable claims of the purchasers, on the liberation of British negroes now in that Island.

I enclose to you an open letter, which I have addressed to the Captain-General of Porto Rico, in order that it may be intrusted to the officer, who may be charged with the execution of this service, and in the hope that it will lead to the release of of the unfortunate captives.

I have, &c.

(Signed) W. M. G. COLEBROOKE.

*To Captain Leith, R.N.,
Senior Officer Commanding at Barbadoes.*

Sub-Enclosure E. in No. 22.

Sir W. M. G. Colebrooke to the Captain-General of Porto Rico.

SIR,

Government House, Antigua, 26th December, 1837.

I do myself the honour to inform your Excellency, that I have received from Her Britannic Majesty's Government the copies of a correspondence, which has passed between Her Majesty's Minister at Madrid, and the Government of her Majesty the Queen of Spain, whereby I am informed that orders were to be addressed to your Excellency, that a strict search might be made for a number of negroes, the subjects of Her Britannic Majesty, who are held in slavery in Porto Rico, and that all aid should be given to any officer, who might be employed to procure for such individuals the enjoyment of their privileges as free subjects of Her Majesty.

In pursuance of these instructions of the British Government, the officer commanding Her Majesty's ships in these seas will depute an officer to take charge of this communication, and, referring to the correspondence which has passed, I feel

every assurance that he will receive the cordial support of your Excellency, in the execution of the duty confided to him.

I have, &c.

(Signed)

W. M. G. COLEBROOKE.

*His Excellency the Captain-General,
Porto Rico.*

Sub-Enclosure F. in No. 22.

Sir W. M. G. Colebrooke to the Right Hon. Lord Glenelg.

MY LORD,

Government House, Antigua, April 16th, 1838.

REFERRING to my despatch No. 53 general, dated the 3rd instant, I have now the honour to forward to your Lordship a further correspondence with Captain Hope, of the "Racer," relative to the British subjects in captivity in Porto Rico.

I have, &c.

(Signed)

W. M. G. COLEBROOKE,

*The Right Hon. Lord Glenelg,
&c. &c. &c.*

Enclosure G. in No. 22.

Commander Hope to Sir W. M. G. Colebrooke; G.C.B.

SIR,

H.M.S. "Racer," at Sea, 16th March, 1838.

HEREWITH your will receive a despatch from the Captain-General of Porto Rico, which being unable to forward to your Excellency by a vessel of war, I have opened for the purpose of retaining a copy, to meet the event of any accident in its transmission.

I further furnish your Excellency with a correspondence, which has passed between the Captain-General and myself, together with an abstract of the documents therein referred to, by which you will be informed of the measures taken by the previous Governor of Porto Rico, in this matter, and of those now contemplated.

I waited upon the Captain-General the day after my arrival, and in the course of conversation with him on the subject of my mission, made the following suggestions to him:—

First, That the price named by your Excellency might not prove a sufficient inducement to the present possessors of the said negroes to bring them in; and that, if the Captain-General deemed it necessary, such further advance would be made, as circumstances might warrant in each individual case.

To this he replied, that he did not consider it in the least necessary, but the reverse. You will observe, however, by his answer, that he subsequently changed his mind on this point.

Secondly, The propriety of offering some reward to those, who should give any intelligence leading to the discovery of the negroes in question.

To this the Captain-General replied, that he did not consider such a measure advisable, being likely to lead to incorrect information for the sake of the reward, and further unnecessary, as his authority would prove amply sufficient to secure their discovery, should they be in the island.

Thirdly, Whether the Captain-General would name any time as two or three months hence, when a vessel of war should call at Porto Rico, for the purpose of conveying the negroes to Antigua, or, learning the result of the investigations instituted.

To this the Captain-General replied, that he would be happy at all times to see an English vessel of war at St. John's, but he considered her calling for such a purpose unnecessary, as he should make known to your Excellency by the first opportunity the results of his inquiries, and to his own Government; at the same time to me, by whom the information would be forwarded to the British Government.

The present Captain-General of Porto Rico having only arrived in the island about two months since, and professing the most anxious desire to execute the orders of his Government relative to the negroes in question, I could not but feel

the necessity of waiting the result of the measures he intends to take, although I much doubt their efficacy, from such experience as I possess of the working of the Spanish Colonial Government in all matters relating to negroes, and I am of opinion that he considerably overrated his own abilities to ensure their *bond fide* execution.

It is my present intention to go to St. John's myself, or send a vessel of war, about a month hence, when possibly I shall be able to furnish your Excellency with some information as to the progress of this affair.

The man named in the margin,* respecting whom an application was made to Lieutenant Bennett of the "Harpy," at Tortola, is now on board this vessel, and will be forwarded to Antigua by the first convenient opportunity.

I am, &c.

(Signed) J. HOPE, Commander.

To His Excellency Sir W. Colebrooke, G.C.B. &c. Antigua.

Sub-Enclosure H. in No. 22.

(Translation.)

The Captain-General of Porto Rico to Sir W. Colebrooke.

EXCELLENT SIR, *Government and Captain-Generalship of Porto Rico.*

THE commandant of the forces at Barbadoes, who arrived at this port the day before yesterday, at six in the evening, in Her Britannic Majesty's brigantine the "Racer," forwarded to me the same night the despatch which your Excellency did me the honour of addressing me under date the 26th of December last. By that despatch I have been apprised of the communications which your Excellency has received from your Government, in which you are informed of the orders, that Her Catholic Majesty the Queen, my sovereign, has issued under date of the 16th October last, desiring that every diligence should be exercised in this island, for the discovery of various British subjects, who are supposed to have been sold as slaves in St. Thomas, and imported to this country, and that they should be immediately delivered up to the persons empowered by Her Britannic Majesty's Government to receive them.

Your Excellency having authorised Commander Hope, by virtue of the said order, to avail himself of such measures, or any information that might be afforded him in this island, for the discovery of the said individuals, he has acted accordingly; and for the purpose of affording entire satisfaction, I have handed him copies of communications directed to my Government upon this subject, also those to the Governor of the Danish Island of St. Thomas, and his reply, and other matters connected therewith, so as to give an entire conviction of my willingness to surmount all difficulties, arising from the absence of sufficient data, whereby to co-operate with all possible ability in carrying into effect Her Britannic Majesty's philanthropic views, and those of Her illustrious Government, toward her said subjects.

I have, &c.

(Signed) MIGUEL LOPEZ BANAS.

Porto Rico, 2nd March, 1838.

Sub-Enclosure I. in No. 22.

Commander Hope to Sir W. M. Colebrooke.

SIR,

H.M.S. "Racer," Porto Rico, 7th March, 1838.

THE letter which I transmit herewith to your Excellency will sufficiently explain the business which occasions me the honour of addressing you.

I request your Excellency will be pleased to acquaint me, whether any of the negroes in question have yet been discovered, and if not, what steps have been taken to forward the wishes of our respective Governments in this matter.

I am acquainted by the Governor-in-Chief of the British Leeward Islands; that

* Jacob.

he is prepared to pay the same compensation to the holders of the said negroes, as was paid at St. Thomas's under similar occurrences.

I have, &c.
(Signed) J. HOPE, Commander.

Sub-Enclosure K. in No. 22.

(Translation.) *The Captain General of Porto Rico to Commander Hope.*

SIR,

BEING informed by the letter of the 7th instant, which you have been pleased to address to me, and by that of the Governor-General of the Leeward Islands, which accompanies it, of the object of your visit to this port, and of the Commission with which he has intrusted you, I have to acquaint you that up to this time not one of the English subjects have been met with, who were supposed to have been brought as slaves to this island in 1832, subsequent to the discovery of the man named Andrew, who was immediately placed at the disposal of the English Vice-Admiral in July last. You desire to know what steps have been taken to fulfil the wishes of our respective Governments, and I take great pleasure in explaining all that has occurred, from the commencement of this important affair.

To authenticate this explanation, I have the honour to place in your hands a true copy of my Despatch of the 22nd January last to my Government, with all the documents annexed to it, and referred to therein by their respective numbers.

On entering into this explanation, you are acquainted, that since the first demands addressed to my predecessor, the General Conde de Torre Naudo, the greatest exertions have been made through all the districts of the Island, for the purpose of discovering the twenty English subjects, whose names, without other evidence, appear in the affidavits which were forwarded, and at the same time, joking apart, no other result has been arrived at than that of finding one of them, named Andrew, who was without delay delivered up, as would have been done with the rest, if it had been possible to have found them.

I am unable to state the reasons why my predecessor gave no account to his Government, either of the demand, or the result of the exertions made in consequence. It is however very clear, that if the Ministry had been in possession of such information, it would have been able to transmit it to the British Minister in 1837, when he presented the note, a copy of which is transmitted with the Royal Order of the 16th October of the same year, to which I replied by my letter, the copy of which is annexed.

It occurred to me to address myself to the Governor of the Danish Island of St. Thomas, where it appears by the depositions of the English seamen, that the sale of the persons who are sought was effected, since I flattered myself that from them there could be obtained and transmitted to me marks more precise, respecting the situation of those people who bought and sold them, the vessels in which they were brought over, and the points of their destination. With this object I addressed the Governor, by an official letter, the tenor of which will be seen by the copy marked A, and I have received his reply, the copy of which is marked B. By it will be understood the correctness of my communication to my Government, relative to the want of evidence to elucidate facts which occurred six years back, and relative to which there is no evidence, except the very vague affidavits, presented by the English Minister to the Government of Her Catholic Majesty.

For, indeed, how is it possible to find amongst the negroes which are on the plantations of this Island, 19 of them, whose personal marks and age are not named, nor yet the names of the persons in Puerto Rico, who it is said were seen by the English seamen to buy and bring them into this country.

What means likely to result well can be adopted to investigate their introduction, without knowing the vessel in which they came, nor the period of their coming. The only thing which the Captain-General could do, and which, in fact, he did, was to order the slaves on all the plantations and elsewhere throughout the island to be examined, but this operation did not answer the views which prompted its execution. Neither has the reply of the Governor of St. Thomas fulfilled mine, from which we have only obtained a conviction of the difficulties of the under-

taking, and the apparent certainty that three of the English subjects which are sought, were not brought to this island; but Isaac to the English Windward Islands, and the other two, named Abraham and Adam, to Anguilla. It appears equally that the account of the English sailors relative to Richard Mingo and Pya, who they say were brought by Da Costa, is not exact, since none of those known by that name in St. Thomas's acknowledged the fact in question, and it does not appear that they can have any interest in denying it, as nothing prejudicial to their interests would arise from frankly telling the truth. Unfortunately the abode or actual place of residence of those who can give intelligence in regard to Dinah and her three sons, Adam, John, and Billy, has not been obtained at St. Thomas's, and cannot be obtained elsewhere, and there only remains the hope of advancing somewhat in the discovery of the six, whose names are Jeanneta, James, Esther, Luke, Bella, and Eve, if Rebecca Gumbs, residing at St. Thomas's, who sold them, has told the truth, and if the persons related to Signor Monsanto can be discovered, who assisted in the sale in the towns of Maya, Gues, and Caborozo, to the alcaldes of which I have given decisive orders to proceed with the utmost exertion, to whatever means their zeal shall point out to them, as most likely to forward the discovery of the six negroes. Be certain that nothing shall be omitted to attain it, and that as soon as notice shall be received of the results of their investigations, it shall be transmitted to the Governor-General of the Leeward Islands, at the same time that it is transmitted to my Government, whom I shall acquaint by the first opportunity with your visit to this island, and the object of your mission, as well as with all I have said in this letter.

I desire, notwithstanding, to devise whatever means appear to me conducive to the object in view, such as forwarding an order to the Civil Authorities of the Island, to accompany the Syndics of the districts to visit the plantations, and all the establishments where there are slaves in great or small numbers, to inspect them personally, and to make known to them that their object is immediately to set at liberty the English subjects that they may meet with, and to exhort them to discover frankly, without fear, any place in which at the time they can have been hid, sheltered, or removed from attendance on the same Authorities, by whom it will be arranged to lodge them conveniently, and to assist them with whatever is necessary, until the Governor-General, being advised, shall cause a vessel to come to take them on board, and transport them to wherever he shall deem convenient, and to avoid that the masters in whose power they may be met with, should take an interest in hiding them, it is arranged, that the same Authorities shall give them to understand, that the agents of Her Britannic Majesty are not only disposed to reimburse to them the prices that they may have paid for them, but further to give them something more, should such be conformable to justice, as I understood from you; and that any one shall be deprived of all indemnity, and shall be severely punished, as incurring a criminal disobedience to my authority and the orders of the Supreme Government, should it be shown that he holds any English subject in slavery, or shall be assisting in any way to hide them, for the purpose of impeding their emancipation. Well convinced of the submission of the inhabitants of this country, of the docility with which all hasten to fulfil the orders of the Supreme Authority of the Island, I doubt not that should there be in it any English subjects, whose discovery we are so desirous of, they will not fail to be found by this means; and I venture to affirm, that should they not be found by this means, it is either because they never came to the Island, or have ceased to exist; or have been conveyed to other parts. Whatever shall be the result of this measure shall be put into effect without delay; it will be my duty immediately to make it known to the Governor-General of the Leeward Islands, to whom you will not fail to make known this communication, renewing the protestations of the lively interest which I take in seconding the instructions of my Government, and fulfilling exactly its orders, to meet in the most satisfactory manner the views of Her Britannic Majesty relative to this subject.

I am, &c.

(Signed) MIGUEL LOPEZ BANOS.

Porto Rico, 9th March, 1838.

Sub-Enclosure L. in No. 22.

Sir W. Colebrooke to Lord Glenelg.

MY LORD,

Government House, Antigua, 25th April, 1838.

WITH reference to my Despatch of the 16th instant, I have the honour to transmit to your Lordship copies of a letter and its enclosures, which I have this day received from Captain Hope, of Her Majesty's ship "Racer," reporting to me his proceedings in Porto Rico, for the recovery of the British negroes who are detained in captivity in that island, and informing me of the apprehensions which he entertains that a considerable number, not less than 400 or 500, are held there in slavery. In pursuance of the plan before adopted, of indemnifying the parties who had purchased these negroes, I have repaid to Captain Hope the advances he has made, and will fulfil the further engagements into which he may have entered; but I entirely concur with him, that to adhere to this principle in future cases would aggravate the evil, by holding out an encouragement to the persons engaged in these nefarious proceedings, and which, if not arrested by the strenuous intervention of Her Majesty's Government with the Court of Spain, will expose the liberties of Her Majesty's negro subjects in these islands to the utmost hazard, and not only those who may be engaged in navigating between the islands, but the peaceable inhabitants of the coasts, where great facilities are afforded.

I concur also with Captain Hope in opinion, that a British Consular Agent, or other accredited person, should be appointed to reside in Porto Rico, whose duty it would be to claim all British subjects who may be held in captivity in the Spanish Colonies, and to demand the prosecution of all persons who may detain them.

The existence of slavery, and extent to which the Slave Trade is still carried on in the Spanish settlements, is calculated to render their inhabitants indifferent to the rights of the unfortunate persons, who may thus be kidnapped in the British Colonies, or fraudulently conveyed from them.

I submit to your Lordship that it will also be desirable that the British Consul at Havana, or the Agent for the liberated Africans, should be invested with similar powers in Cuba; and further, that the claim of Great Britain to the sovereignty of Crab Island, through the medium of which it is apprehended that these nefarious proceedings are carried on, may be recognised and confirmed. I cannot close this Despatch without drawing your Lordship's attention to the zeal which has characterised the proceedings of Captain Hope in the prosecution of this service.

I have, &c.

(Signed) W. COLEBROOKE.

*To Lord Glenelg,
&c. &c. &c.*

Sub-Enclosure M. in No. 22.

Captain Hope to Sir W. Colebrooke, G.C.H.

SIR,

H.M.S. "Racer," at Sea, 15th April, 1838.

I ACQUAINT your Excellency that, on my return to Porto Rico on the 7th of April, of the negroes named in the margin,* two were placed at my disposal for the sums therein specified, and that the other four, now under the protection of the Captain-General, were to have been delivered up to me upon the payment

* To Antigua by the "Racer" { Phoebe Bredford, 50 dollars, }
 { Owner, Mr. F. Veniro. }
 { Oliver Bredford, 175 dollars, }
 { Owner, Anthony Leon. }

Under the protection of the Captain-General { Hopel Riley. }
 { Nancy Barton. }
 { Owner, Don Christopher Ramuel, states }
 { that they have a child which has been }
 { applied for, per letter, to Captain- }
 { General, 10th April, No. 1. }
 { Thomas Nibbs. }
 { Fanny George. }
 { Owner, Mr. Wm. Bedlon. }

of £20 sterling for each (the sum named for my guidance in your Excellency's letter of the 15th February, as that paid at St. Thomas), had not the Captain-General found in a letter* of Captain Jones, that the Bill of Sale to the actual proprietor formed the basis of the arrangement with the Danish authorities, and was proposed to, and accepted by, his predecessor as] such.

For these negroes, for whose arrival I had waited two days, I offered to pay whatever sum the Captain-General might name; but he expressed his inability to do this without the Bills of Sale, the procuring of which from the country would have involved a further detention, which I was unable to afford. This, perhaps, is the less to be regretted, as the Captain-General is willing that your Excellency should name an Agent at Porto Rico, to receive from him such English negroes, as he may, from time to time, be enabled to place at your disposal, to provide a passage for them to Antigua, and to pay for them under such regulations as may be agreed upon between himself and your Excellency, it being clearly understood that the interference of the said Agent is *to be confined to these purposes alone.*†

I enclose to you a correspondence which I entered into with Messrs. Mason and Morrison, the Directors of the Colonial Bank at St. John's and St. Thomas respectively (a sufficient guarantee for their respectability), in order that, should your Excellency be disposed to enter into such an arrangement, you might be enabled to do so without further delay; and I have to observe, that since opportunities by coasting vessels to St. Thomas occur weekly from St. John's, from whence the negroes can be forwarded by mail or steam-boat to Antigua, this mode of conveyance, on account of its regularity alone, is preferable to the employment of a vessel of war, which, on other grounds hereafter stated, I think it at present desirable to avoid.

To provide, however, for the existence of any objection to this arrangement on the part of your Excellency, I have left an order at St. Thomas (a copy of which is enclosed herewith) for Lieutenant Ellman, of Her Majesty's brig "Harpy," now cruising off Porto Rico.

I further acquaint you that the negro named in the margin (Jack Norris) having taken refuge on board Her Majesty's sloop, and claimed the protection of the flag as a native of Antigua, I informed the Captain-General that I was under the necessity of conveying him to that island, and that his ultimate disposal must be arranged between your Excellency and himself.

The Captain-General protested strongly against this intention, insisting he should be landed and placed with the others under his protection; but finding me firm in the determination, that the negro should not leave my ship, except voluntarily, he requested that he might be sent on shore to see him, pledging himself for his return on board, which accordingly took place. It would appear that the object of this interview was to persuade the negro to remain with the others; which, on investigating his history, you will, I think, be of opinion he very naturally declined to do. I regret to inform your Excellency, that I have every reason for supposing the English negroes now in Porto Rico to number from four to five hundred; that probably many more have been introduced, of whom some have escaped to St. Domingo, some to the United States, and elsewhere; and that therefore I cannot but consider the chief advantage to be derived from the possession of the negroes, now and subsequently to be delivered up, to lie in some direct evidence on this subject being placed within your reach, my information not being fitted for that purpose, although such as to leave no doubt on my own mind as to the facts above stated.

The Captain-General, by a proclamation gazetted 24th March, requires all

* Extract from a letter of Captain Jones, of date 8th January, 1836, to the Captain-General of Porto Rico, demanding the British negroes detained in that island.

† As it is the intention of the British Government to remunerate on this occasion the proprietors of the slaves in question, it would be very desirable that the principle on which such payment is made should be distinctly understood.

"Will your Excellency therefore be pleased to say what scale of remuneration would appear to you just and reasonable under the circumstances of the case. Permit me to inform you that I have just concluded a similar business with the Danish Authorities, and that the basis of our agreement was that the bill of sale to the actual proprietor should be considered the fair value of the slave, except where it was manifestly deteriorated from age or infirmity."

† The Captain-General remarked, that however happy he would be to see a British Consul at Porto Rico, he had no power to authorize an appointment of that description.

English negroes to be delivered up to the authorities, promises payment for them according to their respective bills of sale, and declares that the owners of all those which shall not be delivered up, shall forfeit not only all claim to the payment above named, but further incur a fine equal in amount to the said payment.

Due time having been allowed for the operation of the proclamation, I presume it will be competent to the British Government to require the delivery of the negroes without payment to the present owners ; which not being done, it is vain to look for the suppression of this evil, since by paying for the slave in Porto Rico, those who kidnap or export from the British colonies, and those who purchase in Porto Rico, are alike insured a large profit on their speculation, the former obtaining the negro for nothing, the latter availing themselves of the necessity the settler lies under of getting rid of the negro, to purchase them much below their real value. It is true, that if the negro be sold a second time in Porto Rico, the real value may then have been given for them ; but even in this case the buyer is secured from all loss in a transaction which, although conducted under legal forms, the parties must at all times have been well aware was illegal, if it were only on the information of the negroes themselves, none of whom can be supposed to have been silent under its operation.

I was further assured that if Her Majesty's sloop were to have remained at St. John's a sufficient time to have enabled the object of her visit to have become known amongst the negroes, many more would have left the plantation and sought refuge on board of her, and I know that four were in the town for the purpose of endeavouring to see some of the officers, but failed in their efforts to do so.

It is clear that even were a vessel of war to be sent to St. John's, to remain there for the purpose of receiving those negroes whose owners had not delivered them up, and who might escape to her, such a mode of receiving them would be highly inconvenient, as likely to lead to a collision with the Spanish authorities, and inoperative, as it would be competent to them, by the police or other means, to prevent their getting on board ; but it is for this reason that I think it desirable a vessel of war should not be further employed on this service, until the Commander-in-Chief shall be acquainted with the present state of this business, and until you shall have decided whether it is of sufficient importance to require a further reference to the home Government.

Should you, on investigation, consider the evil to have reached the magnitude which I have above detailed, I should be disposed to suggest the establishment of an English Consul or Commissioner at St. John's, as the only effectual means for its suppression.

Were he empowered to afford protection to the English negroes who sought it from him, to insure a thorough investigation of each individual case, and the production of evidence from the place of their nativity, when such might be requisite for their liberation, I have been assured that the news of his arrival and its object would speedily be circulated throughout the plantation, and that the negroes would succeed in reaching him, whatever obstacles their owners might throw in their way ; but even should this not prove to be so, the sanction of the Spanish Government might, I presume, be obtained to his visiting the various districts of the island, in conjunction with some Spanish authority, for the purpose of affording greater facility to their application.

If to the above or some other equally effectual and permanent * mode of securing the immediate liberation of all English negroes taken to Porto Rico, the infliction of prompt and severe punishment on those in whose possession they might be found were added and proper notice of these measures circulated amongst the negro population of the British islands, the continuance of their sale in Porto Rico would soon become alike dangerous and unprofitable.

That it still exists, the accompanying copy of a letter from Captain Nixon to His Excellency the Governor of Trinidad, affords strong presumption, and it is to be hoped may lead to some direct proof, and that it will continue to do so, the consideration of the relative position of Porto Rico with respect to the British colonies renders sufficiently evident.

Of the sincerity and good faith of the Captain-General personally in the exe-

* Permanent, as opposed to an occasional demand, by a vessel of war or otherwise, when some individual case happened to come to light ; since it is pretty certain that the evidence, if effectually suppressed, would be renewed as soon as the means for its suppression were discontinued.

cution of the orders conveyed to him by his Government, I am well convinced; but I am no less so that time will prove his authority wholly inadequate to secure a satisfactory result, even to the very limited application already made, if left to his own exertions only; in proof of which I may adduce that, of the seven negroes now in course of liberation, three are indebted for the same solely to my interference, neither the owners nor the Spanish authorities having had the slightest intention of delivering them up.

The woman named in the margin (Maria Gordon,) has, with her child, received a passage in Her Majesty's sloop to Barbadoes, for the purpose of joining her husband at Demerara. Her evidence relative to the English negroes now in Porto Rico, is contained in the affidavit forwarded herewith.

The ejectment of her husband, and several other British subjects, from the island, appears to have been very summary, and, under the circumstances as stated by herself, not very humane.

Having thus acquainted you with the progress of the mission intrusted to me, I have only to add that Captain Robb, of Her Majesty's ship "Satellite," has now assumed the command of this division of the station, and I have therefore to request that your Excellency's communications may in future be addressed to that officer.

I have, &c.

(Signed) J. HOPE, *Commander.*

(Copy.)

I, Anne Maria Gordon, native of London, married to Thomas Gordon, stonemason, native of St Kitts, resident at Porto Rico during the last five years, do hereby declare that, in the said island, there are the negroes stated in the table annexed, under the circumstances therein shown; and I do further declare that I have seen in the said island several other negroes, natives of the British colonies, with whose names and other circumstances I am not acquainted, and that I believe many more to be dispersed through the said island; the great majority of the whole of whom have been brought to, and are now retained in, the said island against their will.

Sworn before me this 23rd day of April, 1838, on board Her Majesty's sloop "Racer," in Carlisle Bay, Barbadoes, in the presence of Mr. C. H. Elkins, Purser, and Mr. C. Boon, Clerk, of the said sloop.

(Signed)

J. HOPE, *Commander.*

(Signed)

C. H. ELLIS, *Acting Purser.*

C. W. BOONE, *Clerk.*

Residence.	Owner.	Negro.	Place of nativity.	Age.	Arrival in Porto Rico.	Where last from.
Gojama.	Mr. Smith Danish Carpenter.	Toby.	Anguilla.	20 to 25	Unknown.	Unknown.
..	Mrs. Tracey, American Lady.	Margaret.	St. Kitts.	20 to 22	Three years ago.	St. Thomas.
..	..	Anna.	Anguilla.	30 to 35	Unknown.	Unknown.
..	..	Woman, name unknown.	Tortolas.	30 to 35.	..	..
Ibaratie.	Unknown.	Girl, name unknown.	Trinidad.	16 to 18	..	..

Sub-Enclosure N. in No. 22.

Commander Nixon to His Excellency the Governor of Trinidad.

*H. M. Sloop "Ringdove," off Porto Rico,
April 3, 1838.*

SIR,

I beg to inform you that on the 30th March I boarded the "Sir John Duckworth," an English brig belonging to Bermuda, from Ponce, a port on the

south side of Porto Rico, the master of which informed me that a few days before a small sloop, or rather "half decked boat," arrived at Pounce, with twelve negroes, from within the Gulf of Paria; he did not know the name of the place from whence she came, but was certain it was from within the Gulf, and I understood him from Trinidad. Being engaged in observing a suspicious vessel I took for a slaver, prevented me from questioning him more particularly; but I feel it my duty to inform your Excellency of what he told me, and request you will have the goodness to mention the fact to any of her Majesty's cruisers, that they may keep an eye on any small vessels leaving the Gulf, as it would be equally as illegal as the transfer of negroes from the Main.

I have, &c.

(Signed)

J. STOPFORD NIXON,
Commander.

His Excellency the Governor of Trinidad.

Sub-Enclosure O in No. 22.

Extract of a Letter from his Excellency the Governor to Captain Hope, Her Majesty's Ship "Racer."

Government House, Antigua, 25th April, 1838.

I HAVE had the honor to receive your letter and enclosures, dated 15th April, and I take the earliest opportunity of expressing to you my thanks for the zealous exertions which you have made for the recovery of the British subjects in captivity in Porto Rico, and for the information you have communicated to the number who are thus situated.

I enter fully into the justice of your observations as to the effect of holding out a prospect of remuneration to the persons who may have purchased them as slaves; and as there cannot be any reasonable hope of arresting the evil except by the intervention of Her Majesty's Government with that of Spain, I will not delay to report your proceedings to the Secretary of State for the Colonies, and to recommend this course to be adopted, in order that a British Consul or Agent, or other person invested with due authority, may be appointed to reside in Porto Rico, whose duty it will be to reclaim all British subjects who may be held in slavery in that island.

Sub-Enclosure P in No. 22.

Sir W. M. Colebrooke to Sydney Mason, Esq., Director of the Colonial Bank, St. John's, Porto Rico.

SIR

Government House, Antigua, 28th April, 1838.

CAPTAIN HOPE of Her Majesty's ship "Racer," having reported to me that you had agreed to act as the agent of this Government in receiving certain British negroes, in captivity in Porto Rico, whom the Captain-General is willing to deliver up, to provide a passage for them to Antigua, and to reimburse the parties by whom they had been held, upon such terms as may be agreed on between the Captain-General and myself, I have to request that you will undertake this agency, and that you will enter into immediate communication with his Excellency, respecting the terms on which the persons named in the margin may thus be delivered up, and any others.

Captain Hope informs me that the Captain-General has stipulated, that the bill of sale to the actual holder, which had formed the basis of the arrangement with the Danish authorities, had been proposed to and accepted by his predecessor as the terms of compensation at Porto Rico, and in obtaining the particulars in regard to the above-named persons and others, I request you will ascertain whether they were taken to Porto Rico previous to or subsequent to the abolition of slavery in the British Colonies.

I further request your early communication to me of any particulars, required to enable me to transmit to you specific instructions for carrying the arrangement into effect, and you will obtain for me all the information you can acquire in regard to other British negroes who may be in captivity.

Lieutenant Edman, of Her Majesty's ship "Harpy," has been instructed to

take charge of these people, and will convey a letter from me to the Captain General.

I have, &c.
(Signed) W. M. G. COLEBROOKE.

To Sydney Mason, &c. Director of the Colonial Bank, St John's, Porto Rico.

Sub-Enclosure Q in No. 22.

Sir W. M. G. Colebrooke to Lord Glenelg,

MY LORD, *Government House, Antigua, 28th April, 1838.*

WITH reference to my Despatch, "General," No. 75, of the 25th instant, I enclose to your Lordship the correspondence which I have held with the Captain-General of Puerto Rico on the subject of the British negroes detained in captivity in that Island.

I have, &c.
(Signed) W. M. G. COLEBROOKE.

*To the Right Hon. Lord Glenelg,
&c. &c. &c.*

Sub-Enclosure R in No. 22.

Sir W. M. G. Colebrooke to the Captain-General.

SIR *Government House, Antigua, 26th December, 1838.*

I do myself the honour to inform your Excellency, that I have received from her Britannic Majesty's Government the copies of a correspondence, which has passed between Her Majesty's Minister at Madrid and the Government of Her Majesty the Queen of Spain, whereby I am informed that orders were to be addressed to your Excellency, that a strict search might be made for a number of negroes, the subjects of Her Britannic Majesty, who are held in slavery in Porto Rico, and that all aid should be given to any officer who might be employed to procure for such individuals the enjoyment of their privileges as free subjects of Her Majesty.

In pursuance of these instructions of the British Government, the officer commanding Her Majesty's ships in these seas will depute an officer to take charge of this communication, and referring to the correspondence which has passed, I feel every assurance that he will receive the cordial support of your Excellency in the execution of the duty confided in him.

I have, &c.
(Signed) W. M. G. COLEBROOKE.

His Excellency the Captain-General, Porto Rico.

Sub-Enclosure S in No. 22.

Sir W. M. G. Colebrooke to Lieutenant Ellman.

SIR, *Government House, Antigua, 28th April, 1838.*

CAPTAIN HOPE, of Her Majesty's ship "Racer," having informed me that he had given instructions to you, on my requisition, to repair to St. John's, Porto Rico, to receive any British negroes now in captivity at Porto Rico, whom the Captain-General may deliver over to your charge, to convey them to Antigua; and to defray the expenses which may attend their release, I have the honour to subjoin the names* of those who have been mentioned to me by Captain Hope, and to request that you will repay any sums which may be proved to you to have been actually paid for them by the persons by whom they are detained, and which sums on being notified to me, I will cause to be reimbursed to your order through the Colonial Bank at St. Thomas.

Captain Hope having stated his apprehension that a considerable number, not less than 400 or 500, British negroes are held in captivity at Porto Rico, I request

* Hopel Riley, Nancy Burton and their child; Thomas Nibbs; Fanny George.

you will take the opportunity while at St. John's, to obtain for me all the information in your power on this important subject; and I enclose to you a letter with a fly-seal, which I have addressed to the Captain-General, and which I request you will deliver to him on your arrival after closing it.

I have, &c.
Lieutenant Ellman. (Signed) W. M. G. COLEBROOKE.

Sub-Enclosure T in No. 22.

Sir W. M. G. Colebrooke to the Captain-General of Porto Rico.

SIR, *Government House, Antigua, 27th April, 1838.*

CAPTAIN HOPE, of Her Britannic Majesty's sloop "Racer," has forwarded to me your Excellency's letter, dated Porto Rico, the 2nd of March, in answer to mine of the 26th of December, wherein your Excellency has given me assurance of your desire to co-operate in discovering and releasing Her Majesty's subjects who are in captivity in Porto Rico.

In returning to your Excellency my acknowledgments for this communication, I beg to intimate that, on the suggestion of Captain Hope, I have nominated Mr. Mason, the Director of the Colonial Bank at St. John's, Porto Rico, to receive from your Excellency any persons of this description whom your Excellency may recover and make over to his charge for the purpose of being conveyed to Antigua, and I request that your Excellency will be pleased to inform me, and to make known to Mr. Mason any particulars in regard to the terms on which it may be proposed that the parties who have held them in captivity should be compensated.

It is incumbent on me, however, to intimate to your Excellency that, since the abolition of slavery in the British Colonies, it will in future be impossible to recognise any distinctions where British subjects of whatever complexion are by force or fraud carried into captivity in the colonies of Her Catholic Majesty or any others, and that the deliverance of any of Her Britannic Majesty's negro subjects will be claimed on the same ground which would be urged in behalf of those of European birth and descent.

This letter will be delivered to your Excellency by Lieutenant Ellman, of Her Majesty's brig "Harpy."

I have, &c.
 (Signed) W. M. G. COLEBROOKE.

No. 23.

Viscount Palmerston to Sir George Villiers.

SIR, *Foreign Office, 11th July, 1838.*

WITH reference to my previous correspondence with you, upon the subject of the black soldiers employed on board the "Romney" hulk, I herewith transmit to you the copy of a despatch and of its enclosures from Her Majesty's Commissioners at the Havana, stating that the application made to the new Captain-General, to permit the black troops in question to go on shore, has been unsuccessful.

I transmit to you likewise the copy of a communication, which I have received to the same effect from the Admiralty.

I have to desire that you will again earnestly press the Spanish Government, to give instructions to the authorities at the Havana to rescind the order, which was given by the late Captain-General, against the landing of these soldiers; and to issue an order permitting those soldiers to enjoy occasionally the indulgence of going on shore.

I am, &c.
Sir George Villiers, G.C.B. (Signed) PALMERSTON.
 &c. &c. &c.

First Enclosure in No. 23.

Her Majesty's Commissioners to Viscount Palmerston, Havana, May 15, 1838.

(See Class A., No. 61, p. 102.)

Second Enclosure in No. 23.

Sir John Barrow to the Hon. Fox Strangways.

SIR

Admiralty, 28th June, 1838.

I AM commanded by my Lord Commissioners of the Admiralty to send you herewith, for the information of Viscount Palmerston, copies of a letter and its enclosure from Lieutenant Jenkin of the "Romney," receiving ship at the Havana, respecting the prohibition from landing of the soldiers employed on board that ship.

I am, &c.

*Hon. W. Fox Strangways,
Foreign Office.*

(Signed) JOHN BARROW.

Sub-Enclosure A in No. 23.

Lieutenant Jenkin to C. Wood, Esq.

SIR,

H.M.S. "Romney," 30th May, 1838.

I HAVE the honour to enclose herewith a copy of a letter, delivered to me by Her Majesty's Commissioners of the Mixed Court of Justice, from the Captain-General of Cuba, relating to the existing prohibition from landing, of the soldiers employed on board the "Romney."

I regret it should still be deemed necessary to enforce the resolution of the late Captain-General, after the proofs given by us, during nine months' continuation in the port of Havana, of the disposition to respect the laws and to act conformably with the rules of the port.

I have, &c.

(Signed)

CHARLES JENKIN,
Lieutenant-Commanding.

*C. Wood, Esq.
&c. &c.*

Sub-Enclosure B in No. 23.

The Captain-General to Her Majesty's Commissioners.

GENTLEMEN,

Havana, 2nd May, 1838.

I HAVE received your official note of the 1st instant, in which, after attending to the measures of my predecessor in respect to prohibiting the black soldiers of Her Britannic Majesty's ship "Romney" from coming on shore, you express the necessity of my dispensing with the observance of those measures, by permitting the said soldiers to land without impediment, under the restrictions prescribed by you.

My predecessor possessed motives for dictating the said resolution; he submitted them to the consideration of Her Majesty the Queen Regent, and the resolution of the subject is still pending. These circumstances are sufficient to convince you of the impossibility of my making alterations, and I flatten myself, notwithstanding, that you will do me the justice to believe, that I am determined on the punctual observance of the treaties, and to afford the greatest possible protection to the subjects of a friendly nation.

This I have the honour to state to you in reply, availing myself of this first occasion to assure you of my highest consideration.

God preserve you many years.

(Signed)

JOAQUIM DE ESPELETA.

*The British Commissioners.
&c. &c. &c.*

No. 24.

Sir George Villiers to Viscount Palmerston.—(Received July 16.)

MY LORD,

Madrid, 7th July, 1838.

I HAVE the honour to enclose the copy of a note, which in obedience to the instructions contained in your Lordship's Despatch of the 11th June, 1838, I have addressed to Count Ofalia, respecting the tonnage duties exacted

at the Havana upon the brig "Venus," employed in transporting liberated negroes from Cuba to Belize.

I have, &c.

(Signed)

GEORGE VILLIERS.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 24.

Sir George Villiers to Count Ofalia.

SIR,

Madrid, July 3, 1838.

I HAVE the honour to inform your Excellency, that in the Havana it has always been the custom to remit the tonnage duties, in the case of vessels employed in conveying to their destination negroes, liberated under the sentence of the Mixed Court of Justice, in pursuance of the stipulations of the Treaty of June, 1835. In the case, however, of the "Venus" brig, which had been sent to Belize with liberated negroes, the tonnage duty has been exacted on her return, by the officers of the customs at the Havana.

As the local Government had in every previous instance remitted the tonnage duties, and as there does not appear to be any cause why this case should have been made an exception to the general rule, I have received the instructions of my Government to represent this circumstance to your Excellency, and to request that the Government of Her Catholic Majesty will be pleased to send out orders to Cuba, that the indulgence in question may be given in this case, and may be continued to vessels engaged in, or returning from, an employment such as that in which the "Venus" had been engaged. . .

I have, &c.

(Signed)

GEORGE VILLIERS.

His Excellency Count Ofalia,

&c. &c. &c.

No. 25.

Sir George Villiers to Viscount Palmerston.—(Received July 16.)

MY LORD,

Madrid, July 7th, 1838.

I HAVE had the honour to receive your Lordship's Despatches of the 9th, the 11th, and the 13th June, 1838.

I enclose a copy of the note, which in obedience to the instructions contained in your Lordship's Despatch of the 9th June, I have presented to Count Ofalia, transmitting a copy of the address of the House of Commons to the Queen, and Her Majesty's gracious answer.

In the course of a conversation which I held yesterday with Count Ofalia upon the subject of my note, and the enactment of a penal statute for the punishment of Spaniards engaged in the Slave Trade, His Excellency informed me, that from the moment I had spoken to him some months since upon the matter, it had engaged his serious attention, and that he himself had drawn up the project of law, but that it had not been presented to the Cortes, on account of the agitation which prevailed in Cuba respecting the removal of the Captain-General Tacon, and the fear entertained by the Government, that the law might serve as a pretext for endangering yet more the tranquillity of the Island.

This state of things, however, having now in a great measure subsided, Count Ofalia, after shewing me the Project of Law, said he should be prepared to lay it before the Cortes if I insisted upon his doing so: and I did not do so for the following reasons:—

First. Because there does not remain in Madrid the number of deputies required by the Constitution for passing a law; and that nothing would be gained by its mere presentation.

Secondly. If it had been brought in and not passed, ample time would exist before the Cortes again meet, for sending representations against it from Cuba, which would probably have intimidated the Government from proceeding with the measure.

Thirdly. Because Count Ofalia having promised to furnish me confidentially:

with a copy of the law, I thought it possible that Her Majesty's Government might wish to have some amendments introduced in it, which could not be done if once the law had been laid before the Cortes.

I accordingly said that I did not think it absolutely necessary that the law should be introduced at present, provided that Count Ofalia gave me a written assurance, that upon the meeting of the Cortes in December, it should be among the first measures brought forward by the Government.

I have, &c.

(Signed)

GEORGE VILLIERS.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 25.

Sir George Villiers to Count Ofalia.

SIR,

Madrid, July 2nd, 1838.

I HAVE the honour to enclose to your Excellency the copy of a resolution, which was voted unanimously in the House of Commons, for an Address to Her Britannic Majesty upon the Slave Trade; and a copy of the Answer which Her Majesty was pleased to return to that Address.

I have been instructed by the command of Her Britannic Majesty, to communicate these papers to your Excellency, and at the same time to call your Excellency's attention to the non-fulfilment of the engagement, entered into by Spain in the second article of her Treaty with Great Britain of the 28th of June, 1835, to promulgate a penal law, inflicting a severe punishment on any subject of Her Catholic Majesty who shall, under any pretext, take any part in the traffic of slaves.

Your Excellency will see from the enclosed papers the increasing and anxious desire of the Parliament and Government of Great Britain for the extinction of this inhuman traffic, and will thus be enabled to estimate the deep regret felt by my Government at the great and unnecessary delay, which has taken place in the enactment of the law.

Early in March last I had the honour to receive from your Excellency a verbal assurance, that no time should be lost in fulfilling the engagement in question, and, on the 10th of April, I addressed a note to your Excellency, stating that, in having urged the subject upon your Excellency's attention, I had only anticipated the further instructions of my Government, which I then received, to renew my representations respecting it to the Government of Her Catholic Majesty.

As yet I have not been informed that any progress has been made towards this most desirable object, and I beg therefore earnestly to request that your Excellency will not permit the actual Cortes to separate, without bringing before them a law for the purpose of carrying into effect the stipulation of the Treaty, which has been now concluded three years, but which in this point still remains a dead letter.

I have, &c.

(Signed)

GEORGE VILLIERS.

His Excellency Count Ofalia,

&c.

&c.

&c.

No. 26.

Sir G. Villiers to Viscount Palmerston.—(Received July 16.)

MY LORD,

Madrid, July 7th, 1838.

I HAVE taken the liberty of suspending the immediate compliance with the instructions contained in your Lordship's Despatch marked Slave Trade, of the 13th ult. respecting the "*Vencedora*," because, as Count Ofalia has assured me of his sincere desire to discover and chastise the misconduct of the authorities at Cadiz, I conceived that if his renewed inquiries were only productive of the same result as before, your Lordship's instructions to me would then be

carried into effect with more weight and utility, than while the investigation was pending.

I have, &c.

(Signed)

GEORGE VILLIERS.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

No. 27.

Viscount Palmerston to Sir George Villiers.

SIR,

Foreign Office, July 17th, 1838.

HER Majesty was pleased, on the 16th instant, to appoint Campbell James Dalrymple, Esq., in the room of Edward Wyndham Harrington Schenley, Esq., to be Her Majesty's Commissioner of Arbitration to the Mixed British and Spanish Commission, established at the Havana, under the Treaty between Great Britain and Spain of the 28th June, 1835.

I have to desire, that you will announce this appointment to the Government of the Queen Regent of Spain, and request that orders may be sent out to Havana for the formal recognition of Mr. Dalrymple in the character above-mentioned.

I am, &c.

(Signed)

PALMERSTON.

Sir George Villiers, G.C.B.

&c. &c. &c.

No. 28.

Viscount Palmerston to M. d'Aguilar.

THE Undersigned, &c. has had the honour to receive the note addressed to him on the 14th of June, 1838, by M. d'Aguilar, &c., inclosing depositions made by two shipwrights at the Havana, at the request of Don Juan Vasquez, consignee of the Spanish brig "*Diogenes*."

M. d'Aguilar adds, that these papers prove beyond contradiction, that the description and marks of the vessel, which was reported by Lieutenant Bosanquet to have fired on his boats, coincide with the description and marks of the "*Aguila Vengadora*," and not with those of the "*Diogenes*;" and that consequently the attack made by Lieutenant Bosanquet on the "*Diogenes*" took place without any provocation on the part of the latter vessel; and was, in every respect, outrageous and unjust.

These documents, however, can only affect the case, in as far as they tend to show that Lieutenant Bosanquet might have mistaken the "*Aguila Vengadora*" for the "*Diogenes*."

But the only point of resemblance which these documents assert to have existed between the two vessels, is, that they were both painted of the same colour; while on the other hand, the very persons who depose to that fact depose also, in the same document, that the two vessels were different in size, and dissimilar in the height of their masts.

It must also be borne in mind, that the officers and part of the crew of the "*Leveret*" declared their readiness to testify on oath, that they recognized the commander and crew of the "*Diogenes*" as individuals, whom they saw in the vessel from which the attack on the boats of the "*Leveret*" was made, at the very time when that attack took place.

After an attentive perusal of these documents, the Undersigned is obliged to state, that he cannot concur in the conclusion, which the Spanish Government has drawn from them; for those documents do not prove, that the slave vessel which fired upon Lieutenant Bosanquet's boats was not the "*Diogenes*;" nor do they show, that M. Peoli was not the master of that slave vessel; and they do not establish, that the subsequent attempt of the "*Leveret*" to detain the "*Diogenes*" was without provocation.

The Undersigned, &c.

(Signed)

PALMERSTON.

Foreign Office, July 19th, 1838.

Chevalier d'Aguilar,

&c. &c. &c.

CLASS B.

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No. 29.

Sir G. Villiers to Viscount Palmerston.—(Received July 22.)

MY LORD,

Madrid, July 10, 1838.

I HAVE the honour to enclose the copy and translation of a note, which I have received from Count Ofalia, in acknowledgment of mine of the 3rd instant, respecting the tonnage duties levied upon the "*Venus*," employed in conveying liberated negroes to Belize.

I have, &c.

(Signed)

GEORGE VILLIERS.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 29.

(Translation.)

Count Ofalia to Sir George Villiers.

SIR,

Madrid, July 6, 1838.

I HAVE had the honour to receive the communication, which you have been pleased to address to me under date of the 3rd instant, respecting the duties of tonnage which have been exacted by the custom-house officers at the Havana from the brig "*Venus*" which conveyed emancipated negroes to Belize; and there existing no information nor antecedent whatsoever upon the matter in question, I this day ask for it from the Ministries of Finance and Marine; and if they should possess none upon the subject I shall write officially, without delay, to the authorities of the island of Cuba, in order that they may inform me of all that has taken place.

On replying to your above-mentioned note, I avail myself, &c.

(Signed)

THE COUNT OF OFALIA.

The British Minister,

&c. &c. &c.

No. 30.

Sir G. Villiers to Viscount Palmerston.—(Received July 22.)

MY LORD,

Madrid, July 10th, 1838.

I HAVE the honour to enclose the copy and translation of a note, which I have received from Count Ofalia, in answer to mine of the 2nd instant, respecting the enactment of a law for the punishment of Spanish subjects engaged in the Slave Trade.

I have, &c.

(Signed)

GEORGE VILLIERS.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 30.

(Translation.)

Count Ofalia to Sir George Villiers.

SIR,

Madrid, July 8, 1838.

REFERRING myself to your note of the 2nd instant, in which you press for the presentation to the Cortes of the project of law which augments the punishment against the Slave Trade, to which I had the honour of stating to you in my last verbal conference with you, it will be sufficient to reproduce here, slightly, the reason there has been for the delay which has taken place with respect to the said project; and thus it may be easy to you to satisfy with more security the just anxiety of your Government upon this subject.

That of Her Majesty, desirous of giving perfect fulfilment to the obligation contracted in the Second Article of the Treaty of the 28th of June, 1835, had already, in a Council of Ministers, agreed upon the penal addition required by our codes, still somewhat faulty, as is natural with respect to the suppression of the Slave Trade, because its abolition has been the work of the illustration of our times; and the project

was drawn up in due form, to be presented to the examination of the Cortes on the first suitable occasion. Unfortunately this occasion has not presented itself. You are aware how lengthy have been the discussions of the Cortes on the vital questions of contributions and means for carrying on the war against the Pretender, and assuring the continuation of the triumphs which happily crown Her Majesty's arms. In the present moment, and these peremptory duties having been settled, the fatigue which has followed so prolonged a re-union of both co-legislative bodies, and domestic interests, which require the presence of the Members of both Houses in their families, have left the Chamber of Deputies without the number sufficient for the adoption of any law.

For this reason Her Majesty's Government is under the necessity of postponing to lay the said project before the Cortes until the next Session, when it will be my especial care to pass it, with all possible brevity, as soon as ever they meet.

You yourself, a personal witness of all that I have just stated, will be pleased to make known to Her Britannic Majesty's Ministry the powerful reasons of the delay, receiving in the meanwhile the assurances, &c.

(Signed) THE COUNT OF OFALIA.

The British Minister,
&c. &c. &c.

No. 31.

Lord William Hervey to Viscount Palmerston.—(Received July 22.)

MY LORD,

Madrid, July 14th, 1838.

I HAVE the honour to enclose to your Lordship the copy of a letter from Her Majesty's Consul at Cadiz, stating that the slave ship "*El Marinero*" sailed from that port on the 28th ultimo, completely equipped for a slave voyage; as well as a copy of the note which I have addressed to Count Ofalia on the subject.

Sir George Villiers has explained to your Lordship, in his Despatch of the 7th instant, his reasons for suspending the immediate execution of the instructions contained in your Lordship's Despatch of the 13th of June, 1838. But in consequence of this fresh instance of the misconduct of the authorities at Cadiz, I thought it right no longer to delay communicating to Count Ofalia your Lordship's sentiments upon this subject; and I accordingly read to his Excellency your Lordship's Despatch, at the same time that I put my note into his hands.

I also stated to his Excellency, verbally, that two other slave vessels were supposed to have sailed from Cadiz the same evening as "*El Marinero*," but that I was not as yet acquainted with their names. I have written to Mr. Brackenbury for any further information which he may be able to obtain upon this subject.

Count Ofalia said, that with respect to the sentence in the case of the "*Vencedora*," he could not consider it as otherwise than final; but, as regarded the conduct of the local authorities, he had already promised Sir George Villiers, that it should be strictly investigated; and that promise he now repeated.

I have, &c.

(Signed)

WILLIAM HERVEY.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

First Enclosure in No. 31.

Mr. Brackenbury to Sir George Villiers.

SIR,

British Consulate, Cadiz, 29th June, 1838.

It is my painful duty to acquaint you that "*El Marinero*," owned by the same parties to whom the "*Velox*," and other similar vessels belong, sailed yesterday evening, under Spanish colours, completely equipped for a slave voyage.

She weighed anchor a few days ago, and was proceeding to sea, without hoisting any colours; but, on Her Majesty's ship "*Seylla*" standing out of the

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harbour at the same time, "*El Marinero*" put back. The general impression here was, amongst the Spaniards, that orders had been sent to search and capture in any latitude vessels fitted out for the Slave Trade.

Captain Denman thinks that two other slave-ships put to sea last night.

I have, &c.

(Signed)

J. M. BRACKENBURY.

Sir George Villiers, G.C.B.

&c. &c. &c.

Second Enclosure in No. 31.

Lord William Hervey to Count Ofalia.

SIR,

Madrid 11th July, 1838.

It is my duty to lose no time in bringing to your Excellency's knowledge the substance of some information which has reached me from Cadiz, and upon which I can fully rely. The vessel "*El Marinero*," belonging to the same parties as the "*Velox*," and other similar vessels, sailed from that port on the 28th ult., under Spanish colours, completely equipped for a slave voyage. She had weighed anchor a few days previously, and was proceeding to sea without hoisting any colours, but put back upon Her Majesty's ship "*Scylla*" standing out of the harbour.

This is the same vessel which Sir George Villiers denounced to your Excellency, in his note of the 22nd ultimo, as being in the act of preparing for a slave voyage, the object of which was a matter of public notoriety.

It must be unnecessary to add any observations to the relation of these facts, or to point out the very serious light in which they cannot fail to be regarded by my Government; and I feel confident, that the simple statement of them to your Excellency will be sufficient to ensure the immediate adoption of effectual measures for detecting and punishing the persons who may have been concerned in this scandalous transaction, and preventing any future violation of the solemn engagements, contained in the Treaties between Spain and Great Britain for the suppression of the Slave Trade.

I have, &c.

(Signed)

WILLIAM HERVEY.

His Excellency Count Ofalia,

&c. &c. &c.

No. 32.

Lord William Hervey to Viscount Palmerston.—(Received July 22.)

MY LORD,

Madrid, July 14, 1838.

I HAVE the honour to enclose to your Lordship the Copy and Translation of a note which I have received from Count Ofalia, in answer to one which was addressed to his Excellency by Sir George Villiers, on the 19th ult., and of which a copy was enclosed in his Despatch of the 23rd ult., requesting that permission to go ashore might be granted to the black soldiers, stationed on board the "*Romney*" hulk at the Havana.

I have, &c.

(Signed)

WILLIAM HERVEY.

The Right Hon. Viscount Palmerston, G.C.B.

&c. &c. &c.

Enclosure in No. 32.

(Translation.)

Count Ofalia to Lord William Hervey.

SIR,

Madrid, 10th July, 1838.

IN the notes which I had the honour of addressing to Sir George Villiers, of the 5th January and 25th February last, respecting the occurrences at the Havana with the black soldiers on board the hulk "*Romney*," I stated to him the

impossibility of Her Majesty's Government adopting a definitive resolution upon the case, without previously learning from the Captain-General of the Island of Cuba the considerations and motives which had given rise to those measures of his complained of by the British Government; as at so great a distance, and in the critical circumstances of those dominions of Her Majesty, any measure dictated from here, without full knowledge and examination, would be very hazardous.

Nevertheless, Sir George Villiers, in his note of the 19th June last, to which I now reply, has insisted that, without losing time in reference to the Havana, the necessary orders be immediately issued for permitting the black soldiers, who guard the "Romney," to go ashore, alleging reasons for it, the force of which Her Majesty's Government is aware of, and to which she would willingly accede immediately, if nearer the spot, it saw the propriety of granting it, or the precautions with which any danger to be apprehended might be obviated.

In the meanwhile, I have the satisfaction of communicating to you, that the Captain-General of that Island, General Espeleta, informs me, on the 4th May, that he has received the communication which I made to his predecessor on the 25th February, and of which I informed the Legation under the same date, and he offers to transmit without delay exact information upon the state of this affair. As soon as this is received, Her Majesty will adopt the proper determination which, inasmuch as possible, will be favourable to the wishes of Her Britannic Majesty, her august ally; and I shall have the honour of communicating it to you as soon as possible.

I avail myself, &c.

(Signed)

THE COUNT OF OFALIA.

The British Chargé d'Affaires,
&c. &c. &c.

No. 33.

Lord William Hervey to Viscount Palmerston.—(Received July 30.)

MY LORD,

Madrid, 15th July, 1838.

I HAVE the honour to enclose to your Lordship the copy and translation of a note which I have received from Count Ofalia, in reply to that which I addressed to his Excellency on the 11th instant respecting the sailing from Cadiz of the vessel "*El Marinero*," completely equipped for a slave voyage, a copy of which was enclosed in my Despatch of the 14th instant.

I have, &c.

(Signed)

WILLIAM HERVEY.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 33.

(Translation.)

Count Ofalia to Lord William Hervey.

SIR,

Madrid, 15th July, 1838.

UNDER this date I have communicated to the Minister of Marine the remonstrance which you have addressed to me, dated the 11th instant, with regard to the suspicious sailing, from the Port of Cadiz, of the vessel called "*El Marinero*," for the purpose of the necessary investigation being at once entered into, and the corresponding punishment inflicted on those, who are found guilty of this violation of the existing treaties between the two Governments, British and Spanish.

I have, &c.,

(Signed)

THE COUNT OF OFALIA.

The British Chargé d'Affaires,
&c. &c. &c.

No. 34.

Lord William Hervey to Viscount Palmerston.—(Received July 30th.)

MY LORD,

Madrid, 21st July, 1838.

WITH reference to my Despatch of the 15th instant, I have the honour

to transmit to your Lordship the copy of a second note which I have addressed to Count Ofalia, in consequence of having received some further information from Cadiz respecting the sailing from that port of the slave ship "*El Marinero*."

I have, &c.

(Signed)

WILLIAM HERVEY.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 34.

Lord William Hervey to Count Ofalia.

SIR

Madrid, July 17th, 1838.

I HAVE had the honour to receive your Excellency's note of the 15th instant, in which your Excellency states that mine of the 11th instant, respecting the sailing from the Port of Cadiz of the vessel "*El Marinero*," fully equipped for a slave voyage, has been communicated to the Minister of Marine, in order that an investigation may immediately take place, with the view of inflicting due punishment upon those who may be proved guilty of this violation of the Treaties existing between the two Governments of England and Spain.

Since my former note was written, I have received further information upon this painful subject, which it is my duty to communicate to your Excellency; and which I am the more anxious to bring to your Excellency's knowledge without delay, as it will be of use in conducting the investigation which is about to take place.

In the first place, I must take leave to remark, that, in the case of the "*Marinero*," even if her intentions had not been so publicly known as to render it difficult to suppose that the authorities could be ignorant of them, the circumstance of her having sailed without colours ought to have awakened their suspicion, and induced them to investigate the cause of this irregularity when she put back.

I am informed, however, that so far from this being the case, no notice whatever was taken either of her departure or her return, in the *Diario Marítimo de la Vigía*, published every evening by authority, to promulgate the sailing and arrival of each vessel, although the movements of Her Majesty's ship "*Scylla*," which got under weigh about the same time, and returned to her anchorage at the very same hour, were accurately described; and I am further informed that, when subsequently the "*Marinero*" sailed under Spanish colours, her name and destination were concealed; her departure being announced in the following terms:—"Há salido un Bergantin Español para el O," the very same terms in which the sailing of the "*Velox*" was announced when she put to sea with Portuguese colours.

The last equipment of the "*Marinero*" consisted of 50 iron bars, to be screwed on the decks, through which the *leg ring-balls of the slaves* are run; of 30 pairs of handcuffs, sufficient for the number of any boat-load of slaves to be brought from the shore to the ship; of 25 very large water tubs; and of two immense boilers.

The foregoing information has reached me from a source upon which I can entirely depend; and, having communicated it to your Excellency, I confidently rely upon the investigation, which is about to take place, being conducted in such a manner as will not fail to lead to the discovery of the persons who have been concerned in this most discreditable proceeding.

I have, &c.,

(Signed)

WILLIAM HERVEY.

His Excellency Count Ofalia,

&c.

&c.

&c.

No. 35.

Viscount Palmerston, to Lord William Hervey.

MY LORD,

Foreign Office, July 31, 1838.

I HEREWITH transmit to you the copies of two despatches, and of their enclosures, from Her Majesty's Judge at the Havana, upon the subject of an

investigation, instituted at the request of that gentleman, as to the supposed landing at the Havana of 806 negroes, from the steam-boat "*Principe*," in April last; and I have to instruct you to communicate these papers to the Spanish Government, and to draw their attention to the very loose and unsatisfactory manner in which the authorities at the Havana appear to have conducted the investigation in question, and the little desire which they appear to have entertained of coming at the truth of the case.

I am, &c.

To Lord Wm. Hervey, Madrid.

(Signed)

PALMERSTON.

Enclosures in No. 35.

First.—Her Majesty's Commissioners at Havana to Viscount Palmerston, May 21, 1838.

Second.—Her Majesty's Commissioners at Havana to Viscount Palmerston, June 19, 1838.

(See Class A., No. 62, p. 103, and No. 67, p. 106.)

No. 36.

Viscount Palmerston to Lord William Hervey.

MY LORD,

Foreign Office, August 2, 1838.

I HEREWITH transmit to you, for communication to the Spanish Government, the copies of two despatches from Her Majesty's Chargé d'Affaires at Florence, relative to a Spanish vessel fitted up at Leghorn, and supposed to be destined either for the Slave Trade, or for conveying supplies to the Spanish Carlists.

I am, &c.

To Lord William Hervey,
&c. &c. &c.

(Signed)

PALMERSTON.

Enclosures in No. 36.

First.—Mr. Aubin to Viscount Palmerston, Florence, July 7, 1838.

Second.—Ditto to Ditto Ditto July 10, 1838.

(See Class C., No. 24, p. 19, and No. 25, p. 20.)

No. 37.

Lord William Hervey to Viscount Palmerston.—(Received August 5.)

MY LORD,

Madrid, July 26, 1838.

I HAVE the honour to transmit to your Lordship the copy and translation of a further note, which I have received from Count Ofalia, in reply to that which I addressed to his Excellency on the 17th instant, respecting the equipment at Cadiz of the vessel "*El Marinero*" for a slave voyage, and of which a copy was enclosed in my Despatch of the 21st instant.

I have, &c.

(Signed)

WILLIAM HERVEY.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 37.

(Translation.)

Count Ofalia to Lord William Hervey.

SIR,

Madrid, 21st July, 1838.

I HAVE had the honour to receive the note which you addressed to me on the 17th instant, amplifying the indications which you had previously made with regard

to the suspicious vessel, called the "*Marinero*," and Her Majesty the Queen Regent, has, in consequence, been pleased to resolve, that the contents of the said note be communicated to the Minister of Marine; which I have carried into effect, with the object that the above-mentioned indications may contribute towards the proving and punishing of the crime attributed to the owners, captain, and crew of the vessel in question.

I have, &c.
The British Chargé d'Affaires, (Signed) THE COUNT OF OFALIA.
 &c. &c. &c.

No. 38.

Lord William Hervey to Viscount Palmerston.—(Received August 5.)

MY LORD,

Madrid, July 28th, 1838.

IN conformity with the instructions contained in your Lordship's Despatch of the 13th instant, I have addressed a note to Count Ofalia, of which I have the honour to enclose a copy to your Lordship, repeating the request made to his Excellency by Sir George Villiers on the 19th ultimo, that orders might be issued to the authorities at the Havana to permit the black soldiers employed on board the "*Romney*" hulk occasionally to go on shore.

I have, &c.
 (Signed) WILLIAM HERVEY.
The Right Hon. Viscount Palmerston, G.C.B.
 &c. &c. &c.

Enclosure in No. 38.

Lord William Hervey to Count Ofalia.

SIR,

Madrid, July 24th, 1838.

I HAVE the honour to inform your Excellency, that Her Majesty's Government have received despatches from Her Majesty's Commissioners at the Havana, stating that an application, which had been made by them, on the 1st of May last, to the new Captain-General of Cuba, General Espeleta, to grant permission to the black soldiers employed on board the "*Romney*" hulk to go on shore, had been unsuccessful.

In consequence of this information, I have received instructions again earnestly to press the Spanish Government to give directions to the Authorities at the Havana, to rescind the order which was given by the late Captain-General against the landing of these soldiers, and to issue an order permitting them to enjoy occasionally the indulgence of going on shore.

In the note which your Excellency did me the honour to address to me on the 10th instant, your Excellency says, that the Government of Her Catholic Majesty acknowledges the force of the reasons stated in that which was addressed to your Excellency by Sir George Villiers on the 19th ultimo, in favour of granting this permission, and that they would willingly give way to those reasons, if they were not at so great a distance from the spot; and if they were acquainted with all the concurrent motives which may exist for making the concession, as well as with the precautions, by means of which it might be possible to provide against any danger that may be apprehended.

Her Majesty's Commissioners, in their application of May 1st to General Espeleta, suggested certain precautions which would seem to afford security against any such danger, and with this view offered to undertake that the soldiers in question should not be permitted to land in a greater number than six at a time, attended always by a non-commissioned officer, and only in the undress of service without arms.

I venture to hope that your Excellency will see in these proposed precautions a sufficient safeguard against any risk which could be incurred by granting the permission desired; and that no further delay will therefore take place in issuing orders in conformity with the request, which I have been so urgently instructed to repeat to your Excellency.

I have, &c.
 (Signed) WILLIAM HERVEY.
His Excellency Count Ofalia,
 &c. &c. &c.

No. 39.

Lord William Hervey to Viscount Palmerston.—(Received August 5).

MY LORD,

Madrid, July 28, 1838.

I HAVE the honour to enclose to your Lordship the copy of a note which I have addressed to Count Ofalia, in execution of the instructions contained in your Lordship's despatch of the 11th instant, respecting the practice which exists of kidnapping British negroes, and removing them to Spanish Colonies, where they are detained in slavery.

I have, &c.

(Signed)

WILLIAM HERVEY.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 39.

Lord William Hervey to Count Ofalia.

SIR,

Madrid, July 25th, 1838.

ON the 4th September last, Sir George Villiers addressed a note to Mr Bardaxi, requesting that orders might be issued to the Captain-General of Porto Rico, to make a strict search for certain British negroes, supposed to be detained as slaves in that Island, and to lend all the aid in his power to any officers of Her Majesty, who might be employed to procure for such individuals the enjoyment of those privileges as freemen, to which they are entitled in their capacity of subjects to Her Majesty. And on the 8th of the same month Mr. Bardaxi replied that, in compliance with that request, orders had been issued to the Captain-General above-mentioned to proceed without delay to the emancipation of those negroes.

This information having been communicated by Her Majesty's Government to the Governor of Antigua, a letter was addressed by that officer to the Captain-General of Porto Rico, on the 26th of December last, and delivered to His Excellency on the 28th of February by Captain Hope of Her Majesty's Sloop "Racer," requesting His Excellency to afford his assistance to Captain Hope in the execution of the duty confided to him.

The Captain-General, in his reply to that communication, manifested every disposition to facilitate the discovery and emancipation of these negroes. But it appears that the researches which have been made, have only led to the discovery of six negroes, of whom I have the honour to inclose a list. Two of them, upon compensation being made to their owners, have been placed at the disposal of Captain Hope, the other four having remained under the protection of the Captain-General of Porto Rico, until sufficient data could be collected to determine what amount of compensation ought to be made for them.

During the course of the investigations, which have been carried on for the purpose of ascertaining the places in which the negroes in question were supposed to be concealed, some facts have come to light which show that the practice of kidnapping British negroes, and removing them to Spanish Colonies, where they are detained in slavery, exists to a considerable extent.

Her Majesty's Government, upon this information, think it to be essential that a British Consular Agent shall be established at Porto Rico. That Agent will be specially instructed to do all in his power to put a stop to this practice; and instructions to the same effect will also be given to Her Majesty's Consular Agent at the Havana.

Her Majesty's Government feel persuaded, that the Government of Her Catholic Majesty will be ready to co-operate in these measures of Her Majesty's Government; and I have received directions, in stating these circumstances to your Excellency, to request that orders may be given to the Spanish Colonial Authorities, to affix publicly, a penalty of adequate severity to the crime of kidnapping British negroes, and to take the requisite measures for giving practical effect to the laws which may denounce punishment for that crime.

I have, &c.

(Signed)

WILLIAM HERVEY.

His Excellency Count Ofalia,

&c.

&c.

&c.

Viscount Palmerston to Lord William Hervey.

MY LORD,

Foreign Office, August 15, 1838.

I HEREWITH transmit to you a copy of a communication from the Colonial Department, about the refusal of the Captain-General of Cuba, to make any alterations in the resolution taken by his predecessor, respecting the landing of the black troops from on board the "Romney" at the Havana.

I refer you to my despatch to Sir George Villiers, marked Slave Trade, of the 13th of July, 1838, in which a copy of General Espeleta's refusal was enclosed, and I have to desire that you will again press this matter on the Spanish Government. You will state the substance of General Espeleta's communication; and you will request that positive instructions shall be issued by the Spanish Government to the Captain-General, to permit these troops to go occasionally on shore.

The Lord William Hervey,
&c. &c. &c.

(Signed) I am, &c.
 PALMERSTON.

Enclosure, No. 40.

James Stephen, Esq. to J. Backhouse, Esq.

SIR,

Downing Street, 27th July, 1838.

I AM directed by Lord Glenelg to request that you will lay before Viscount Palmerston, for his Lordship's information, the enclosed copy of a letter from the Superintendent of Liberated Africans at Havana, dated the 17th June, on the subject of the refusal of the Governor-General of Cuba, to permit the occasional landing of the guard on board the "Romney." With reference to Dr. Madden's observation, that the only interest the Spanish Government takes in any matter connected with the Slave Trade, is in the influence it may have on the Revenues of the Island, Lord Glenelg desires to call the special attention of Lord Palmerston to the evils which must follow, if the Government of Spain shall continue to have a direct pecuniary interest in the continuation of the Slave Trade at Cuba.

J. Backhouse, Esq.
&c. &c. &c.

I have, &c.
 (Signed) JAS. STEPHEN.

Sub-Enclosure in No. 40.

Dr. Madden to Lord Glenelg.

MY LORD,

Havana, 17th June, 1838.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 20th March, enclosing a communication of the British Minister at the Court of Madrid to the Count Ofalia, with the view of removing the difficulties raised here to the landing of the guard on board the "Romney."

The refusal of the present Governor-General Espeleta to the recent application of Her Majesty's Commissioners, leaves the question still in an unsettled state, nominally depending on the decision of the Spanish Government. I regret to have to say, and can only see in the grounds stated for this refusal, a plea for procrastination, and a pretext for avoiding the application in question; it being well understood here, that the only interest the Spanish Government now takes in any matter connected with the Slave Trade is, in the influence it may have on the revenues of the Island, the import-tax alone on the negroes introduced during the four years of General Tacon's Government, producing 28,000 ounces, and the number imported averaging 14,000 a-year. It probably is to the interference of the Intendant at the head of the finance department, much more than to any objections of the Spanish Government, that the difficulties raised in this case are attributable, representing as he does, the interests of the Creoles of this Island, the class most inimical to the suppression of the Slave Trade, and exercising so great an influence, as the recent

removal of General Tacon from his Government clearly shews. While this influence is exercised, as I presume, over the Executive here, and on the apprehensions of the Home Government for the safety of the Revenues, I fear the result of any further application to the Captain-General, till such time as peremptory orders are obtained from the Spanish Government to His Excellency, to comply with the application. The order which General Tacon issued, forbidding free negroes of any foreign country to land, or remain here subsequently to the communication of mine, stating the fact of all free negroes of foreign states, except those of England, being then allowed to sojourn here, have been recently modified by General Espeleta, and all free negroes in foreign merchant ships, are now to be permitted to remain on board while the vessel is in port, instead of being kept in gaol during the vessel's stay; but are not to be allowed to land, and security to this effect is strictly required.

To Lord Glenelg,
&c. &c. &c.

I have, &c.
(Signed) R. R. MADDEN.

No. 41.

Lord William Hervey to Viscount Palmerston.—(Received August 19.)

MY LORD,

Madrid, August 11, 1838.

I HAVE the honour to enclose to your Lordship the copy of a note which I have addressed to Count Ofalia, in execution of the instructions contained in your Lordship's Despatch to Sir George Villiers of the 17th of July last, announcing to his Excellency the appointment of Mr. Campbell James Dalrymple to be Her Majesty's Commissioner of Arbitration, in the room of Mr. Edward Wyndham Harrington Schenley, to the Mixed British and Spanish Commission established at the Havana under the Treaty of June 28, 1835.

I have, &c.

(Signed) WILLIAM HERVEY.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 41.

Lord William Hervey to Count Ofalia.

SIR,

Madrid, August 6, 1838.

I HAVE the honour to inform your Excellency that the Queen my Sovereign was pleased, on the 16th ultimo, to appoint Campbell James Dalrymple, Esquire, to be Her Majesty's Commissioner of Arbitration, in the room of Edward Wyndham Harrington Schenley, Esquire, to the Mixed British and Spanish Commission established at the Havana, under the Treaty between Great Britain and Spain of June 28, 1835.

I have received instructions from my Government to announce this appointment to that of the Queen Regent of Spain, and to request that orders may be sent out to the Havana, for a formal recognition of Mr. Dalrymple in the character above mentioned.

I have, &c.

His Excellency Count Ofalia,
&c. &c. &c.

(Signed) WILLIAM HERVEY.

No. 43.

Lord William Hervey to Viscount Palmerston.—(Received August 27.)

MY LORD,

Madrid, 18th August, 1838.

WITH reference to my Despatch of the 28th ultimo, enclosing the copy of a note which I addressed to Count Ofalia on the 25th ultimo, respecting certain British negroes supposed to have been kidnapped, and to be detained in slavery in the island of Puerto Rico, I have now the honour to enclose to

your Lordship a copy and translation of the reply which I have received from his Excellency.

I transmit, likewise, copies and translations of the enclosures contained in Count Ofalia's note, with the exception of four, of which copies were transmitted to me in your Lordship's Despatch of the 11th ultimo; namely, a letter from Captain Hope, dated March 7th, and another from Sir J. M. G. Colebrooke, of the same date, both addressed to the Captain-General of Puerto Rico; a letter from the Captain-General to Captain Hope, and another to the Governor of the Leeward Islands, both dated March 9th, from the same functionary.

I have likewise the honour to enclose to your Lordship the copy of a note which I have addressed to Count Ofalia, in answer to his request to be supplied with further information on this subject.

I have, &c.

(Signed)

WILLIAM HERVEY.

The Right Hon. Viscount Palmerston G.C.B.

&c.

&c.

&c.

First Enclosure in No. 42.

(Translation.)

Count Ofalia to Lord William Hervey.

SIR,

Madrid, August 6th, 1838.

I HAVE received the note which you have been pleased to address to me on the 25th of last month, drawing attention to the one addressed to my predecessor, Mr. Bardaxi, on the 4th of September last, by Sir George Villiers, requesting that orders might be given to the Captain-General of the Island of Porto Rico to cause search to be made in the district under his command for nineteen British negroes who were supposed to be detained as slaves in that island; and I have the honour of transmitting to you the annexed copies of the answers, which the said Captain-General has given, relative to this subject, and those of the documents with which he proves his assertions.

On consideration of all this, the British Government cannot but be convinced of the facilities and positive assistance which the Captain-General of Porto Rico has afforded to the British Commissioner towards the search and capture of the negroes in question; and on my part I can assure you that the agents of your Government will always find the authorities of Cuba and Porto Rico disposed to second their wishes on this matter, with all the zeal and activity required by the fulfilment of their duties and the harmony which unites the British and Spanish Cabinets.

The latter, without the slightest delay, would proceed to issue the orders which you indicate, relative to the punishment of those who conceal British negroes, were not already, in the laws of the kingdom, which are on this point as severe as English laws can be, the application of penalties upon those who venture to commit the crime of kidnapping a free man, provided for; laws which are as ancient as the British, as they emanate from the Roman legislation, from which ours derives its most essential dispositions.

Nevertheless, the Government of Her Majesty the Queen, ever desirous of pleasing that of Her Britannic Majesty, will again issue orders to the Captains-General of Cuba, and Port Rico, in order that persevering in their zealous investigations they may endeavour to discover if there are still any free British Negroes illegally and surreptitiously reduced to slavery, and that they may report without loss of time the steps which they have taken for finding them, as also for the punishment imposed by the competent Tribunals upon all such who may be found guilty of such a crime of violence and oppression. But as the obtaining indications and the acquiring data and individual signs which would lead to the discovery sought for, would materially aid the object of these investigations, the Government of Her Majesty trust that you will be pleased to communicate to me all such information as you may receive, in order to transmit it without loss of a moment to the authorities of the Islands above cited.

I avail myself, &c.

(Signed)

THE COUNT OF OFALIA.

The British Chargé d'Affaires.

&c.

&c.

&c.

Second Enclosure in No. 42.

(Translation.)

Vice Admiral Cockburn and Sir E. M'Gregor to the Captain-General.

SIR,

Antigua, 15th April, 1835.

HAVING ascertained by means of positive proofs in the month of March last, that the slaves named in the margin* belonging to inhabitants of Anguilla, were feloniously removed from that Island to Port Rico, and there sold as slaves, we address ourselves to your Excellency, making a formal demand on the part of Her Britannic Majesty that the said slaves may be delivered to Captain Strong of Her Britannic Majesty's Frigate "Belvidera," the officer who will deliver this letter to your Excellency, and who is authorized by us to bring this affair to a conclusion, by adopting the necessary measures, such as giving a receipt for the negroes referred to, and any other which may be necessary.

We have, &c.

(Signed)

E. COCKBURN, *Admiral.**The Captain-General, Porto Rico.*E. M. M'GREGOR, *Governor.*

Third Enclosure in No. 42.

(Translation.)

The Captain-General to the Vice-Admiral and the Commander in Chief of the Windward Islands.

EXCELLENT SIRS,

Office of Captain-General and Government.

I HAVE had the honour to receive through the Commander Strong of Her Britannic Majesty's frigate the "Belvidera," the official letter which your Excellencies have been pleased to address to me, under date of the 15th of April last, relative to 18 negroes belonging to Anguilla, who are said to have been introduced into the Island under my command, and with respect to that which your Excellencies state concerning their delivery, I have to inform your Excellencies in answer, that this Government has already ordered, by circular of the 30th July last, that no slaves of the Windward Colonies, especially since the emancipation of them declared by England was known, should be admitted, lest their presence should be prejudicial in the Island, as well on account of the ideas of liberty which they might spread among the slaves, as also to guard against the introduction of the corrupted, and those expelled for revolutionary ideas, the which is carried into execution. Consequently, some who have arrived from these Colonies since the said resolution have been ordered to leave the Island. Those only are admitted from Curaçao, and the Dutch portion of St. Martin, because these do not entertain revolutionary notions, and the improved treatment they receive in Puerto Rico, makes them very content; and that should there have been sold slaves from Anguilla, and which transported to other Islands, have afterwards been brought here with passports and certificates of property to new purchasers, these are not to blame. Of this proceeding no example has yet been discovered, and finally, and notwithstanding the before-mentioned order, I have directed, in consideration of your Excellencies formal demand of these slaves, made in the name of Her Britannic Majesty, that an order be circulated to the Territorial Judges, with a list of the said negroes, in order that it may be seen if they exist on the estates, and that he who should have any one of them, present him or them, it being a condition that he shall be immediately paid his value, as has been agreed upon with the Commander of the frigate, that the proprietors may suffer no loss.

Puerto Rico, May 12, 1835.

(Signed) MIGUEL DE LA TORRE.

To their Excellencies the Vice-Admiral of Her Britannic Majesty's Naval Forces, and the Governor-in-Chief of the British Islands.

* Isaac Derrick, Richard, Mingo Gambs, Adam Dina and her three sons, Tom Fleming, Jeanette and her son James, Esther and her son Luke, Bella and Eva, Andrew; Yare, Sarah, and Betty (consigned to St. Thomas's); Billy, Pya.

Fourth Enclosure in No. 42.

(Translation.)

Presidency Government and Captain-General's Head Quarters. Circular No. 526.

THIS Government, informed by the official application which has been made to it by their Excellencies the Vice-Admiral of the naval forces of Her Britannic Majesty and Governor-General of the British Windward Islands, that the manumitted slaves mentioned in the margin* have been clandestinely withdrawn from the Island of Anguilla and introduced into this, by some inhabitants who have purchased them in other colonies as slaves, I have resolved, in consequence, that the Alcaldes Mayores be officially directed, in order to the fulfilment of what is provided in this matter, that they endeavour, by all the means in their power, to prevent, in their respective districts, the introduction of slaves of the class referred to; and that in virtue of the aforesaid demand they enjoin the lieutenants *aquerra* of their district, to proceed to the estates of their respective jurisdictions, and reviewing all the slaves in them, ascertain if those whom they meet with of the before-mentioned names are the manumitted slaves now demanded, and the mode in which they have been taken away from the said colony and brought to this; and on the discovery of any one or more of them, let them command their supports to keep them in their power, at the disposal of the Government, in order to restore them, on the proper occasion, to the said island, assuring them that, according to the statement of the British frigate of war "Belvidera," Mr. Strong, bearer of the demand, they shall suffer no loss, for before delivery the whole value of each shall be paid. I communicate this to you for your information, and that, as far as you are concerned it may be exacted and punctually obeyed, making a report to me of the result, for the information of others interested in it, with the least possible delay.

(Signed)

MIGUEL DE LA TORRE.

Puerto Rico, 12th May, 1835.

Fifth Enclosure in No. 42.

(Translation.)

The Captain-General, to Admiral Cockburn and Sir J. McGregor.

EXCELLENT SIRS,

Office of the Captain-General and Government.

HAVING appeared in the town of Potillas, in this island, in the estate called Isidora, the property of Messrs. Boden and Rice, the negro Andrew, one of those comprehended in the demand which your Excellency addressed to me on the 15th of April last, who, according to the statement of Rice, was introduced from St. Thomas with passport as free, I have resolved, as soon as the frigate "Belvidera" returns to this port, to have him immediately conducted to this capital, in order that the said negro be delivered to the commander of the said frigate, and be placed at the disposal of your Excellency, declaring that no reimbursement of his value to the said proprietor shall take place, as he has forfeited his right by the illegitimate means by which he acquired and introduced him.

At the same time that I have directed the said delivery to the commander of the above-mentioned frigate, I have caused to be remitted to him a copy or example of the general order issued by this Government, for the search after and restoration of all the others of the said class that may have been introduced, in order that by placing them in the hands of your Excellencies you may be convinced, not only of the earnest desire of this Government to accomplish the wishes, which your Excellencies have been pleased to express in the communication before mentioned, but also of the positive orders which have been circulated in the island, prohibiting the introduction of negroes of the windward colonies, as well as that which is cited in it, viz., that of the 30th of July of last year, promising at the same time to your Excellencies that if by virtue of them other negroes should appear, I will immediately give notice of the fact.

(Signed)

MIGUEL DE LA TORRE.

Puerto Rico, 1st July, 1835.

To the Vice Admiral of the Naval Forces of Her Britannic Majesty, and the Governor in Chief of the British Windward Islands.

* Isaac Derrick, Richard, Mingo Gambs. Adam, Dinah and three children, Tom Fleming, Jeannette and her son, James, Esther and her son Luke, Bella and Eve, Andrew; Sarah, Betsy, Billy (obtained in St. Thomas), Pya.

Sixth Enclosure in No. 42.

(Translation.)

Admiral Cockburn and Sir J. McGregor to the Captain-General.

SIR,

H.B.M.'s Ship "President," Halifax, 29th October, 1835.

WE have had the honour to receive your favour of the 1st July last, in which you informed us that you had placed at our disposal the negro Andrew, without requiring the payment of the value to the person in whose power he was found, on account of the illegal means by which he had been procured, and brought into the Island of Porto Rico. We thank your Excellency, on the part of our Government, and on our own, for this manifestation of your Excellency's disposition to aid, as far as lies in your power, the request which we had the honour to make to you respecting the negroes illegally withdrawn from the British Islands, and brought into that over which your Excellency presides; and we have received the greatest pleasure from the friendly proceeding of your Excellency, touching the measures adopted, not only for discovering other negroes belonging to the British Islands who may have been illegally brought into Porto Rico, but also for the prohibition of those who may be hereafter introduced into that Island.

(Signed)

E. COCKBURN, *Admiral.**To the Captain-General, Porto Rico.*J. J. M. M'GREGOR, *Governor.*

Seventh Enclosure in No. 42.

The Captain-General to the Governor of Dominica.

(Translation.)

EXCELLENT SIR,

*Office of the Captain-General and Government,
Ponce, Island of Puerto Rico, May 30, 1838.*

BEING absent from the Fortress of the Island under my command on the arrival of the "Vestal," Her Britannic Majesty's ship-of-war, the official letter which your Excellency did me the honour to write to me on the 22nd January last has been forwarded to me by the King's Lieutenant, I find that your Excellency is pleased to inform me that the Commander of the said ship, Mr. Williams, has been commissioned to take under his charge such negroes, subjects of Her Britannic Majesty, as may have been found to be illegally placed in the class of slaves, and the delivery of which your Excellency applied for last year. In answer to which I proceed to state what I have already communicated to your Excellency, that I issued at the due time the most positive circular orders to my subordinates, in order that they should take measures for the discovery of the negroes in the situation above mentioned, and of whom one only was found, and he was immediately placed at the orders of your Excellency. From that time to this, no information has been brought to me of the appearance, although I know that the authorities under my command have received the above-cited orders, and that they are on the watch to fulfil them with exactness, as am I also that the wishes of your Excellency should be satisfied. The Lieutenant of the King not having authority to treat of matters of this class, the Commander of the "Vestal" has addressed himself to me, informing me of the object of his mission; and I answer him under this date, in the same terms as your Excellency.

(Signed)

MIGUEL DE LA TORRE.

To the Governor of the Island of Dominica.

Eighth Enclosure in No. 42.

The Captain-General to the Chief of the Police of St. Thomas.

(Translation.)

*Office of the Captain-General of the Island of Puerto Rico,
Puerto Rico, January 22, 1838.*

IN the year 1835, the Vice-Admiral of the naval forces of Her Britannic Majesty, and the Governor of the Windward Islands, claimed the negroes referred to in the accompanying declarations, and having set on foot in this island the most scrupulous investigation for their discovery, as appears by the papers on the sub-

ject, the only one who was met with, named Andrew, was delivered up to them. Subsequently the Plenipotentiary of Her Britannic Majesty has applied to the Queen Regent, soliciting that a rigorous search be instituted, not only for the 14 negroes mentioned in the said declarations, but likewise for any other subjects of Great Britain who may be found in slavery, in order that they may be delivered up to the officers who have come to claim them. And this Government, in fulfilment of the orders received from superior authority, desirous of advancing as much as possible the inquiries already commenced, in order to discover the negroes wanting, the which has not as yet been possible, for want of exact data, I request you to be pleased to cite the persons who sold them, and who are pointed out in the said declarations, which I enclose, as also in the note which I subjoin to them, requiring them to give their personal marks if they keep them, and the names of the individuals in this island of whom they purchased them, as also the time of purchase, and the vessel in which they were brought. Be pleased to remit the result for the objects referred to.

(Signed)

MIGUEL LOPES BANOS.

To the Political Judge of St. Thomas.

Ninth Enclosure in No. 42.

Extract of the Official Report of the Captain-General of Puerto Rico,
(Translation.) *marked No. 18 of January 22, 1838.*

MOST EXCELLENT SIR,

ON the 18th of May, 1835, the English Frigate of War "Belvidere," Captain Strong, arrived at this Port, and delivered to the Captain-General, Don Miguel de la Torre, a letter of the 15th of April preceding, dated at Antigua, from the Vice-Admiral of the British Naval Forces, and the Governor Commander-in-Chief of the Windward English Colonies, making a formal demand for the delivery to the said Captain of the slaves marked on the margin of the letter. There were twenty, as Your Excellency will perceive from the copy which I enclose, and you will observe at the same time, that those comprised in the nineteen *procès verbaux*, attached to the note lately passed to the Secretary of State by the British Minister Plenipotentiary are identically the same. On the receipt of the above letter by the Captain-General on the 11th of May, he acted with such activity, that on the following day, the 12th, he circulated to the authorities of all the towns, the order which appears in the printed copy. And under the same date an answer was given to the before-mentioned Chiefs, as may be seen in the copy. The judges of the towns in the island performed the most scrupulous investigations in consequence of the above circular, and the slave residences on the estates and mansions situated therein were visited, without obtaining greater result, than the discovery of the negro "Andrew" on the 24th of June, of which advice was given to the English Chiefs by letter of the 1st of July, delivering him over to their disposal, and for which they addressed a communication to the Captain-General on the 29th of October returning him thanks. In May, 1836, His Britannic Majesty's frigate "Vestal" made her appearance, and Captain Williams brought the commission to receive any black subjects of his nation who might have been found; and having officially made known the same to the Captain-General, he was answered on the 30th, what your Excellency will find in the copy. I have rather extended the relation of these facts, in order to demonstrate that the object desired in this island by the Chiefs of the English Naval Forces, obtained some satisfactory result, and that, if it did not entirely satisfy their wishes, it cannot justly be attributed to the want of activity of the Captain-General of this Island, but to that of more exact data, which would have afforded greater elucidation for the discovery of the British subjects above cited. It is sufficient to examine with attention the *procès verbaux*,—to observe the vagueness of the declarations of the witnesses, and the difficulty of attaining the object without any other guide. They all declare having seen in St. Thomas, the negroes and the persons to whom they belonged, but with regard to their sale and conveyance to Porto Rico, the greater part limit themselves to hear-say, or refer to the report of others, generally without indicating the person who bought them, nor expressing the personal marks of those sold. I am of opinion that the object could only be attained by requiring from the Island of St. Thomas (for in the declarations, the names of the persons there, who were their owners,

and who sold them appears), that the said persons should express the signs and the names of those of this Island who purchased them, stating the period, and the vessels in which they were conveyed. By these means, indications might be made, and their actual residence be discovered, for being without these data, it is very probable that the purchasers may keep them concealed, having changed their names; and it is equally so, that all the twenty may not have come to this Island, but have been carried to other points. Desirous of advancing as much as possible in this investigation, I have written under this date to the Judge of the neighbouring Island of St. Thomas, requesting that if he can acquire the data which I have mentioned, he will have the goodness to transmit them to me, for it has been sufficiently proved by experience, that by visiting and examining the slave residences, no more favourable result will be obtained than what was acquired in 1835.

(Signed)

MIGUEL LOPEZ DE BANOS.

To the Minister of Marine,
&c. &c. &c.

Tenth Enclosure in No. 42.

(Translation.) *Chief of the Police of St. Thomas, to the Captain-General.*

EXCELLENT SIR,

St. Thomas, February 22, 1838.

In conformity with what your Excellency has been pleased to state to me in your official note of the 22d last, relative to inquiries which your Excellency committed to me, respecting certain negroes claimed in the year 1835 by the Vice-Admiral commanding on the English station of the Windward Islands, and by the Governor of the British Windward Islands, I have taken every measure in order to obtain the most exact information, and I have devoted my zealous efforts with the more pleasure, being a commission of your Excellency.

The accompanying note will show the result of my investigations; and if it is not entirely satisfactory, it is because it has not been possible to do more in a matter like the present, and the bases of which are so slight and so remote.

(Signed)

K. M. BEG.

To the Captain-General of the Island of Cuba.

Eleventh Enclosure in No. 42.

(Translation.) *Information obtained in St. Thomas by the undersigned Chief of the Police of the aforesaid Island.*

Copy of the Note remitted by the Governor and Captain-General of the Island of Puerto Rico, relative to English Negroes supposed to be bought in St. Thomas's, and embarked for Puerto Rico.

Isaac, sold by Mr. Clappe to Mr. Lane, who sent him to Puerto Rico.

Mr. Clappe cannot give any information concerning Mr. Lane, whose residence he is ignorant of, and added, that he never possessed a negro called Isaac, but that once he had a slave called Juan (or John), and he does not know whether he was also called Isaac; that the said Juan ran away from here to the English Windward Islands, where he now remains.

Ricardo, sold by Peter Doyle, now dead, to Mr. Da Costa, who sent him to Puerto Rico.

It has been impossible to obtain any result. As the christian name of Da Costa is not given, it is not known to which of the many Da Costas there are here that reference is made. Nevertheless, the whole of them have been interrogated, and have declared utter ignorance of the matter in question.

Mingo was sold to Mr. Da Costa, and he sent him to Puerto Rico.

Same as above.

CLASS B.

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Adam was sold by his master, Mr. William P. Hodge, and embarked in St. Thomas for Puerto Rico by two of the police.

Dinah and three children, sold by public auction by their master, Mr. William P. Hodge, and, although it is not said to whom, it is believed that their mistress was one Sra. Charlotte.

Tom, slave of Mr. Fleming, in Anguilla, sold by Señor Tomas to a person of the country, and sent to Puerto Rico.

Jeannette, James, Esther, Luke, Bella, Eve, were sold by Mr. Gumbs, and embarked for Puerto Rico. The money was paid by Mr. Monsanto.

Abraham, sold by the same Mrs. Gumbs in St. Thomas to Mr. French.

Impossible to procure informations. It is now about two months that William P. Hodge left this island for that of Tortola. As to the point of their having been embarked by two of the police, it is to be remarked that there are no means of ascertaining the fact, from the time not being mentioned when it took place.

No information to be procured. The time of the public auction is not mentioned.

William P. Hodge has left this island, and the Sra. Carlota has removed to New Orleans.

Impossible to ascertain anything. Mr. Fleming not being resident in this island, it cannot be discovered who bought the negro.

Jeannette, a woman about 40 years of age, colour black, approaching to Zambo, little in stature, thin, without any particular mark by which she could be known.

James, son of the above black woman, Zambo, about 18 years of age, of middle stature, without particular mark.

Esther, black woman, about 50 years of age, regular stature, without especial mark.

Luke, son of Esther, mulatto, of eight years of age, without especial mark.

Bella, has no particular mark; is a black woman, fat and about 20 years of age, and of tall stature.

Eve, daughter of Esther, black of middle stature, about 16 years of age, without particular marks.

The Sra. Rebecca Gumbs, does not recollect the names of the purchasers of the said individuals, to wit, Jeannette, James, Esther, Luke, Bella, and Eve. Señor D. Monsanto declares that he remembers that about two years ago some negroes, of whose names he has no recollection, were sold by Sra. Rebecca Gumbs to two individuals of Puerto Rico, who were introduced to him by Señor C. M. Monsanto of Mayaques. Believes that the before-mentioned two persons live either in Mayaques or in Cabo Rojo (Red Cape) in the island of Puerto Rico. That the declarant did not make the said payment, but that the purchasers themselves arranged the business with the Sra. Gumbs.

Abraham, a boy about 16 years of age, middle stature, without any particular mark. Mrs. Gumbs declares that this negro went to Anguilla with Mr. John French, resident in the same island, and did not go to Puerto Rico.

Adam, sold to Mr. Dank.

Mrs. Gumbs says that this negro was sold to a Frenchman whose name she does not recollect. The name Dank is unknown to her. She is ignorant of the residence of the Frenchman, but knows that the said negro returned from here to Anguilla in an English vessel of war. Is a boy of about 12 years of age, black, and without any particular mark.

Billy, is said to have been sold to Mr. Dorchedra, and conveyed to Puerto Rico in a Spanish vessel.

In this island no one of the name of Dorchedra is known, and there are no means of obtaining information concerning the negro.

Pyor, sold to Mr. Da Costa, and sent to Puerto Rico in a Spanish vessel called the "*Arnario Blanco*."

Same answer as above respecting Ricardo.

St. Thomas, February 22, 1838.

(Signed) The Councillor of State, Knight of the Order of Danebrog, Judge and Chief of Police of the Island,
H. H. BEG.

Twelfth Enclosure in No. 42.

Commander Hope to the Captain-General of Puerto Rico.

SIR,

Her Majesty's brig "Racer," March 11, 1838.

I HAVE the honour to acknowledge the receipt of the communication from your Excellency of the 9th instant, accompanied by an official letter for the Governor-in-Chief of the Leeward Islands, which shall be forwarded to its destination by the earliest opportunity. I thank your Excellency for the prompt measures adopted at my request this day, respecting the negress Phebe Bredford, detained illegally in slavery by Mr. Byno in this island. I recommend her to your protection until the occasion offers for sending her to the place of her nativity, and I beg your Excellency to communicate to me the result of the investigation, for which purpose I will present myself at the port, or will send a vessel of war as soon as circumstances permit.

I have, &c.

To His Excellency the Captain-General.

(Signed)

J. HOPE.

Thirteenth Enclosure in No. 42.

(Translation.)

Office of Captain-General and Superior Political Government. Circular, No. 29.

IN consequence of an official application addressed to my predecessor, the General Count Torre Pando, by the Vice-Admiral of the British Naval Forces, Governor-in-Chief of the English Colonies of the Windward Islands, on the 12th May, 1835, a circular order was issued, under No. 526, directing the measures which were thought most opportune to be taken for the discovery of the British subjects whose names are inserted in the margin.* This step produced no other result than that of meeting with one of them called Andrew, who was delivered up to the said officer. Her Majesty the Queen Regent who has a particular satisfaction in receiving with her accustomed benevolence the claims of her ally Great Britain, relative to the restoration of their liberty to such British subjects as are found in the Spanish dominions of America reduced to slavery, has been pleased to proceed to an investigation of those who perhaps may exist in this island. And on the part of said Governor-General of the British Colonies, I have just received by Her Britannic Majesty's brig of war "Racer" fresh communications on the same subject. In favour of these, and in compliance with the orders of Her Majesty, after having placed myself on an understanding with the

* Isaac, Ricardo, Mengo, Adam, Dinah and three children, Tom, Jeannette, James, Esther, Luke, Bella, Eve, Andrew, Abraham, Adam, Billy, Pior.

Commander of the said brig, I do hereby command, that the Alcaldes of the towns of this island, as soon as they receive this order, visit personally the slaves who dwell on the estates of their respective jurisdictions, and causing the whole of them, without any exception, all to be presented, shall exhort them to declare whether there be among them any of those noted in the margin, or others who may not be so noted, yet are natives of the United Kingdom of Great Britain, or of any of its possessions in America, or of any other part of the globe; assuring them that they should not fail to discover themselves for fear of punishment or ill-treatment from their masters or persons who try to conceal them, seeing that the Alcaldes, from the moment they declare who they are, will receive them under their protection, taking them on the spot out of the power of the said masters, and providing them with lodging and food on account of this Government, at whose disposal they shall be exclusively placed, making a report to me without delay, in order to transmit the information to the parties interested. They will likewise make known to the masters or their representatives, that the sum which they gave for them when they bought them should be religiously restored to them, and that the Government of Her Britannic Majesty had not only made arrangements for this reimbursement, but that its officers charged with the duty of collecting and taking back to countries under the British Empire such of its subjects as they find in slavery, have declared to me that they are authorised to pay, in addition to the cost price of these persons, any such sum which may be required in equity as a just compensation: giving them likewise to understand at the same time, that, if neglecting this notice, and looking with indifference on the fulfilment of this order, they conceal any of the British subjects to whom it refers, not only will they lose the cost price of the persons discovered, but they will have to pay a fine of equal amount, to be divided into three parts, one to be given to the informer, another to the individual detained, and the third to the royal treasurer, or half to each of the two last, in case of there being no informer.

This I communicate to you for your information, and its speedy and most exact fulfilment; directing you to visit in the same manner all the other slaves existing in your jurisdiction, in whatsoever other establishment they may be, or private house, giving me with the least delay the corresponding notice of the result of the measures practised.

Porto Rico, March 15, 1838. (Signed) MIGUEL LOPEZ BANOS.

Fourteenth Enclosure in No. 42.

(Translation.)

The Captain-General to the Minister of Marine.

MOST EXCELLENT SIR,

Porto Rico, 16th March, 1838.

ON the 7th instant, at six o'clock in the afternoon, Her Britannic Majesty's sloop of war "Racer" entered this port; her captain delivered to me, together with a letter from himself, another from the Governor-General of the Leeward Islands. My answers on the 9th will inform your Excellency that I have given them every information they could desire upon the object of their communications; and the copy of the circular which I have issued and herewith enclose, proves the prompt fulfilment of the offer which I made them of adopting the sole measure which remained to me for the discovery of the British subjects who, it is supposed, are detained in slavery in this island. I have not, as I stated to the said captain, founded hopes of effecting it, though I do not doubt I should be able to do so, if the individuals in question are actually living in the island and are not dead, nor that those really introduced into it have not been previously exported, the most essential point and the most difficult to make clear, as your Excellency will be convinced by the perusal of the despatch which I wrote for this purpose to the Judge of the neighbouring island of St. Thomas, in which the sale and purchase of these slaves is stated to have taken place, and of his answer, and note enclosed. The sloop "Racer" left this on the 12th at six o'clock in the morning, her captain, being satisfied with my answers, having thanked me for them and for my kindness towards himself. The evening previous to his departure I obtained information that there was, in an estate at five leagues' distance from this capital, near the village of Loisa, a British negro woman, who was improperly sold as a slave at St. Thomas, and respecting whom neither the English nor the Department had the slightest information. This was made known to me at eleven

o'clock in the morning, and at twelve o'clock an express was on the road to Loisa, bearing an order to the Alcalde to search for her and bring her immediately, in order to deliver her over to the English captain, who, if he could but have stopped a few hours longer, would have carried her away; for at twelve o'clock of the day of his departure, the negress called Phœbe, and of about forty-five years of age, was in this fortress and at my disposal, and thus she will remain until a British vessel comes to seek her, or the same sloop "Racer," as the captain has promised me in the letter which he left upon going away, and which reached my hands soon afterwards.

I have thought it necessary to inform your Excellency circumstantially of this occurrence, in order that Her Majesty's Government may not want any data relative to this subject, it being my intention to give an account to your Excellency of any future occurrence upon it.

I have, &c.

(Signed)

MIGUEL LOPEZ DE BANOS.

To the Minister of Marine,
&c. &c. &c.

Fifteenth Enclosure in No. 42.

Lord William Hervey to Count Ofalia.

SIR,

Madrid, 15th August, 1838.

I HAVE had the honour to receive your Excellency's note of the 6th instant in answer to mine of the 25th ultimo, respecting certain British negroes supposed to be detained in slavery in the island of Porto Rico, and I shall, without delay, communicate the contents of it to my Government.

In reply to the request, which your Excellency makes at the conclusion of that note, to be furnished with any information which I may possess respecting the negroes in question, I have the honour to enclose to your Excellency the translation of a declaration, taken on the 23rd of April last from Anne Maria Gordon, a native of London, resident at Porto Rico during five years, as well as the extract from a despatch from Captain J. S. Nixon, of H.M.S. "Ringdove," which contain all the positive information upon this point that it is in my power at present to communicate to your Excellency; so soon as I shall receive further intelligence respecting the facts connected with this subject, I shall not fail to transmit it to your Excellency.

I have, &c.

(Signed)

WILLIAM HERVEY.

His Excellency Count Ofalia, &c. &c. &c.

No. 43.

Lord William Hervey to Viscount Palmerston.—(Received August 27th.)

MY LORD,

Madrid, 18th August, 1838.

IN conformity with the instructions conveyed to me in your Lordship's Despatch of the 31st ultimo, respecting an investigation which has taken place upon the subject of the supposed landing at the Havana of 306 negroes from the steam-boat "Principeño," in the month of April last, I have addressed to Count Ofalia a note, the copy of which I have the honour to transmit herewith to your Lordship.

I have, &c.

(Signed)

WILLIAM HERVEY.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 43.

Lord William Hervey to Count Ofalia.

SIR,

Madrid, August 13th, 1838.

I HAVE the honour to enclose to your Excellency the translations of two Despatches, and of their Enclosures, which have been received by the Government

of the Queen, my sovereign, from Her Majesty's Judge at the Havana upon the subject of an investigation, instituted at the request of that gentleman, as to the supposed landing at the Havana of 306 negroes from the steam-boat "*Principeño*," in the month of April last.

I have been instructed to communicate these papers to the Government of Her Catholic Majesty, and to draw their attention to the very loose and unsatisfactory manner in which the authorities at the Havana appear to have conducted the investigation in question, and the little desire which they appear to have entertained of coming at the truth of the case.

I have, &c.

(Signed)

WILLIAM HARVEY.

His Excellency Count Ofalia,
&c. &c. &c.

No. 44.

Viscount Palmerston to Lord William Hervey.

MY LORD,

Foreign Office, August 28th, 1838.

I HEREWITH transmit to your Lordship the copy of a Despatch and of its Enclosures from Her Majesty's Judge at the Havana, giving an account of the entry of three slave vessels at the Havana, after having, it appears, discharged their cargoes elsewhere.

It is painful to Her Majesty's Government to learn these continued infractions of the Treaty with Spain for the suppression of Slave Trade. I have to desire, that you will state this, in communicating the facts to the Spanish Government.

The circumstances attending the case of one of those vessels, the "*Esplorador*," are of a revolting nature; and you will make it the subject of special representation to the Spanish Government. You will earnestly request, on the part of Her Majesty's Government, that the Government of Spain will institute a prompt and searching inquiry into a transaction which is calculated to cast so severe a stigma on the Spanish character; and that peremptory orders may be given to inflict the most exemplary punishment upon all the parties who may prove to have been implicated in the atrocious crime alleged in the case of this vessel.

You will add, that Her Majesty's Government cannot doubt that the Spanish Government will, for the honour of the Spanish navy, visit with adequate punishment the misconduct of the officer who commanded the brig of war, which was so many hours in company with the slaver, without taking any step to carry into execution, with respect to her, the provisions of the Treaty of June, 1835.

I am, &c.

(Signed)

PALMERSTON.

Lord William Hervey,
&c. &c. &c.

Enclosure in No. 44.

Havana Commissioners to Viscount Palmerston, July 17, 1838.

(See Class A., No. 72, p. 113.)

No. 45.

Viscount Palmerston to Lord William Hervey.

MY LORD,

Foreign Office, 28th August, 1838.

DURING the last year, some decided check seemed to have been given to the course of the Slave Trade in Cuba; and the panic which, by the activity of Her Majesty's cruisers, had been struck into the slave traders connected with that island, continued in a certain degree to the beginning of this year, insomuch that, in the first quarter of it, not more than thirteen vessels sailed for Africa from the Havana.

It appears, that a higher price for negroes, and a new demand for them, has again tempted the cupidity of the dealers; and the recent importation of slaves, during the month of June, into the island of Cuba, has consequently been very great.

It is said, that 1300 of these were brought in three vessels, mostly for a merchant named Joaquim Gomez, upon whom Her Catholic Majesty has lately conferred the Grand Cross of Charles III., doubtless in ignorance of his being deeply engaged in the Slave Trade.

No fewer than 25 vessels sailed for Africa from the Havana in the months of April, May, and June; and 9 of these bore the Portuguese flag. Some were without any papers, others carried only forged ones.

In the middle of July last there were, at one and the same time, no fewer than 18 vessels fitting out in the port of the Havana for Africa.

These facts, which form but a portion of those, which have recently occurred at the Havana, tending to show the prevalence of Slave Trade at that place, denote strongly how systematically the colonial authorities of Spain disobey the orders which the Spanish Government has given them on this subject.

You will communicate these facts to the Spanish Government; and you will request that fresh and positive directions may be given to the Governor of Cuba, to exert due vigilance, and to act with good faith, in execution of the orders given by the Spanish Government, in accordance with the Treaties concluded by Spain with this country for the suppression of the Slave Trade.

I am, &c.

Lord William Hervey,
&c. &c. &c.

(Signed) PALMERSTON.

No. 46.

Lord William Hervey to Viscount Palmerston.—(Received September 3.)

MY LORD,

Madrid, 25th August, 1838.

IN conformity with the instructions contained in your Lordship's Despatch of the 2nd instant, relative to a Spanish vessel fitted up at Leghorn, and supposed to be destined either for the Slave Trade, or for conveying supplies to the Spanish Carlists, I have addressed a note to Count Ofalia, of which I have the honour to enclose a copy to your Lordship.

I have, &c.

(Signed)

WILLIAM HERVEY.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 46.

Lord William Hervey to Count Ofalia.

SIR,

Madrid, 20th August, 1838.

I HAVE the honour to enclose to your Excellency the Translations of two Despatches, which I have been instructed to communicate to the Government of Her Catholic Majesty, and which have been received by the Government of the Queen, my Sovereign, from Her Majesty's Chargé d'Affaires at Florence, relative to a Spanish vessel fitted up at Leghorn, and supposed to be destined either for the Slave Trade, or for conveying supplies to the Spanish Carlists.

I have, &c.

(Signed)

WILLIAM HERVEY.

His Excellency Count Ofalia,
&c. &c. &c.

No. 47.

Lord William Hervey to Viscount Palmerston.—(Received September 10.)

MY LORD,

Madrid, 1st September, 1838.

WITH reference to my Despatch of the 25th ultimo, I have the honour

to enclose the Copy and Translation of a note which I have received from Count Ofalia, in reply to mine of the 20th ultimo, respecting a Spanish vessel named the "*Cleopatra*," or "*Guiseppe*," fitted up at Leghorn, and supposed to be destined either for the Slave Trade or for carrying supplies to the Spanish Carlists.

I have, &c.

(Signed)

WILLIAM HERVEY.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 47.

(Translation.)

Count Ofalia to Lord William Hervey.

SIR,

Madrid, August 22nd, 1838.

By the note and documents which you were pleased to address to me on the 20th instant, I have been made acquainted with the steps taken by Her Britannic Majesty's Chargé d'Affaires at Florence, for the purpose of investigating into the concession of the Tuscan Flag to a Spanish vessel named the "*Cleopatra*," and destined to the Slave Trade, with respect to which you desire to receive any information that may exist in the office under my charge. Up to this moment I have not received any with regard to such a vessel, which I am persuaded neither is, nor before has been, Spanish. I shall write, notwithstanding, to Her Majesty's Consul at Leghorn, to furnish me with any antecedents he may possess, and at all events that he may join with the British Consul at that place in endeavouring to ascertain the fact.

With respect to the vessel "*San Joze*," it is very true that it was constructed in Spain: it belonged to the maritime register of Blanes in Catalonia, was illegally sold at Leghorn, where it obtained the flag of that state in the beginning of April of this year, with which it presented itself on the Coast of Catalonia for the purpose of smuggling, towards the middle of the month of June last, and was nearly taken by a Spanish vessel of war, which by order of the Government was on the look out for it, and would have undoubtedly succeeded but for the proximity of the Eastern Coast and ports of France, in one of which it took refuge, and afterwards stole off, without its being known where the vessel actually is.

I avail, &c.

(Signed)

THE COUNT OF OFALIA.

The British Charge d'Affaires.

&c.

&c.

&c.

No. 48.

Lord William Hervey to Viscount Palmerston.—(Received September 10.)

MY LORD,

Madrid, September 1, 1838.

I HAVE the honour to enclose the copy and translation of a note which I have received from Count Ofalia, in answer to one which I addressed to his Excellency on the 15th ultimo, respecting certain British negroes supposed to have been kidnapped and detained as slaves in the Island of Puerto Rico, and of which a copy was contained in my Despatch of the 18th ultimo.

I have, &c.

(Signed)

WILLIAM HERVEY.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 48.

(Translation.)

Count Ofalia to Lord William Hervey.

SIR,

Madrid, August 23rd, 1838.

UNDER this date I communicate to the Captain-General of the Island of Port Rico the information, which you have conveyed to me in your note of the

15th instant, relative to certain English negro slaves supposed to exist in that island, in order that he may proceed to the investigation, and discovery of them, for the reasons desired by the Government of Her Britannic Majesty.

I have, &c.

(Signed)

THE COUNT OF OFALIA.

The British Chargé d'Affaires,
&c. &c. &c.

No. 49.

Lord William Hervey to Viscount Palmerston.—(Received September 10.)

MY LORD,

Madrid, September 1, 1838.

YOUR Lordship's despatch of the 15th ultimo arrived here on the 24th ultimo.

In execution of the instructions therein contained, I have addressed a note to Count Ofalia, of which I have the honour to enclose a copy, and in which I have repeated the request, which has already been so frequently made to the Spanish Government, that permission to go occasionally ashore may be granted to the black soldiers employed on board the "Romney" hulk at the Havana.

Count Ofalia has read to me a despatch from General Espeleta, acknowledging the receipt of the orders of the Government to make a report upon this subject, and announcing his intention to send that report in a short time. A copy is likewise enclosed in that despatch of the reply made by General Espeleta on the 2nd of May to the application of Her Majesty's Commissioners at the Havana.

Count Ofalia assured me, that the report in question had not yet been received from the Captain-General of Cuba, but that, so soon as it reached His Excellency's hands, no time should be lost in taking a definitive resolution with respect to the permission in question. His Excellency added, that that resolution would be made as conformable as circumstances would permit to the wishes expressed by Her Majesty's Government.

I have, &c.

(Signed)

WILLIAM HERVEY.

The Right Honourable Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 49.

Lord William Hervey to Count Ofalia.

SIR,

Madrid, August 28, 1838.

ON the 24th ultimo I had the honour to address a note to your Excellency, stating that an application had been made by Her Majesty's Commissioners at the Havana to the new Captain-General of the Island of Cuba, General Espeleta, requesting that permission to go occasionally on shore might be granted to the black soldiers employed on board the "Romney" hulk, that this application had been unsuccessful, and that I had, in consequence, received instructions from my Government again earnestly to press the Spanish Government to grant the permission desired.

Your Excellency informed me on the 10th ultimo, that the Spanish Government could not take a definitive resolution upon the subject, without first having the opinion of the Captain-General of Cuba. But in the reply of General Espeleta, dated the 2d of May last, to the application above-mentioned of Her Majesty's Commissioners, it is stated that his predecessor, General Tacon, had submitted to the Government of Her Catholic Majesty, the motives which had induced him to prohibit the landing of the soldiers in question: that the resolution of the subject was still pending, and that it was impossible for him under these circumstances to make any alteration.

I have consequently received renewed instructions again to press this mat-

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ter on the Spanish Government, and to request that positive orders may be issued to General Espeleta, to permit these troops to go occasionally on shore.

I have, &c.

Count Ofalia,
&c. &c.

(Signed)

WILLIAM HERVEY.

No. 50.

Lord William Hervey to Viscount Palmerston—(Received September 10.)

MY LORD,

Madrid, September 1, 1838.

SINCE writing my other despatch of this day's date, I have received from Count Ofalia a note, of which, as well as of its enclosures, I have the honour to transmit herewith copies and translations to your Lordship, and in which, His Excellency informs me, in reply to my notes of the 24th of July and 28th ultimo, that he has received the report which he was expecting from the Captain-General of Cuba, respecting the permission to go on shore, solicited in favour of the black troops employed on board the "Romney" hulk at the Havana.

Count Ofalia also states in that note the precautions and conditions upon which the Spanish Government are willing to grant the permission in question, should they meet the wishes of Her Majesty's Government.

I have, &c.

(Signed)

WILLIAM HERVEY.

The Right Honourable Viscount Palmerston, G.C.B.
&c. &c. &c.

First Enclosure in No. 50.

(Translation.)

Count Ofalia to Lord William Hervey.

SIR,

Madrid, 31st August, 1838.

HAVING this week received the reports which I expected from the Island of Cuba, with respect to the permission to go occasionally on shore, solicited for the black soldiers employed on board the "Romney" hulk, I now find myself enabled to answer the last notes which, under date of the 24th ultimo and 28th instant, you were pleased to address to me on this subject.

It appears by the said report, that the orders prohibiting the landing in the Island of Cuba of free blacks and mulattoes, and even slaves who might have lived in foreign colonies, are so old, as to date from the year 1796. They were renewed on the 9th of July, 1829; in a royal order of the 6th of October of the same year; in another order of the 6th of August, 1831; and in a circular of the 28th of July, 1832, Don Mariano Ricafort being Captain-General, as you will perceive by the printed paper which I have the honour of enclosing. These measures, as you will observe from their dates, are long before the time of General Tacon's government of the Island of Cuba; who, therefore, did nothing else but conform himself to them, when he prevented the negro soldiers of the "Romney" from landing.

The Minister Plenipotentiary, Sir George Villiers, alleged, in some of his notes on this subject, that the free negroes, who formed part of the crews of merchant sailing vessels and steamers proceeding from the United States and other foreign places, were permitted to land; and although this may have occurred in some instances through the inattention and negligence of subaltern authorities, the established rule has been, and is, that the free negroes, forming part of the said crews, should be kept in close custody, or under a species of arrest, in the prison, or in the building called "*de la Fuerza*," until the vessels in which they came to the island were on the eve of sailing; and only latterly it was permitted, that instead of being shut up in one hall, they might freely walk about the building, without going into the street. This is so certain, that Sir George Villiers himself in his note of the 11th of January last, thought it necessary to complain, or make observations, with regard to that established rule. The actual Captain-General has adopted a measure, which, without substantially varying a determination imperiously required for the preservation of the island, leaves to the Masters of foreign vessels, who may have free negroes on board, the option of giving bail for a thousand dollars that they will

not permit the landing or putting a foot on shore of the free negroes whom they may have on board, and that at the time of departure they must present the said negroes to the recognizance of the authorities, that they may assure themselves that none have gone or remained on shore ; or submit themselves, not granting this bail, to the freed negroes of their crews being landed and kept under arrest or safe custody, without permitting them to go into the street, until the moment that the vessel which brought them is going to sail. This measure, which is exactly similar to what is established in the southern ports of the United States, where slavery also exists, will prove to you that, even under a Republican Government, its indispensable necessity has been felt, in order to guard against the evils and the conflagration which the communication and contact of free foreign negroes with those of a colony where slavery continues might produce. I have the honour to enclose a copy of the order issued by the actual Captain-General of the Island of Cuba on the subject, in which he modifies as much as possible the regulation formerly observed with Her Majesty's approbation.

These antecedents laid down, and confining myself to the case of the "Romney," I ought not to conceal from you that the former and actual authorities of the Island of Cuba are of opinion that it would be dangerous to make any exception in favour of the black soldiers employed on board the "Romney," by permitting them to land ; that, in their judgment, if the disembarkation of English soldiers of colour, or those of any other nation, were allowed, the most pernicious results would soon be experienced from such a condescension, particularly under circumstances in which two considerable insurrections of negroes have taken place at Trinidad ; and on this account vigilance is more than ever indispensable : that if at present there are only fifteen negroes on board the "Romney," it appears that the Commander of that vessel intends bringing others to augment the number of soldiers, and the danger from their landing will increase with their augmentation : that negroes accustomed to the ideas of liberty, and clothed with the British uniform, convey, even without meaning to do injury, in their language and in their exterior deportment, all the excitements capable of laying hold of the ardent imaginations of the Spanish negro slaves, and of producing in them a vehement desire to be likewise free, at all hazards, and facing every danger : that no precautions would be sufficient to prevent altogether the contact of the English negro soldiers with the slaves of the island, in which those authorities foresee a risk of the most serious consequences.

It would be most desirable if the Government of Her Britannic Majesty, impressed with these reflections of the above authorities, who ought to know perfectly the situation, and the risks which on so many sides threaten the security of the island, and the existence of the white race, would judge it proper to employ white soldiers on board the "Romney" hulk. For although it may be certain that the negroes resist with greater ease the heat of the climate, it is likewise so that the white soldiers would have every facility of going ashore when they thought proper, and all the advantages and enjoyments, which to them would diminish the effects of the climate.

Notwithstanding all this, and that the Spanish Government cannot but insist in requesting the Government of Her Britannic Majesty to endeavour if possible to substitute white soldiers for the blacks on board the "Romney," and, above all, not to augment the number of these negroes, as it is said the Commander of the hulk intends to do, the Government is yet desirous, in order to give a proof of its desire to do that which is pleasing to the Government of Her Britannic Majesty, of taking on itself, to a certain point, the responsibility of separating itself from the opinions of the late and present authorities, and from the rules established since the year 1796 to this day, and permitting that now and then the soldiers of the "Romney" may go on shore ; but with certain precautions which may prevent the smallest contact between them and the negroes of the island, such as for example the designation of a place to be indicated by the authorities, where the black soldiers of the "Romney" could enjoy themselves without going beyond it ; that only six at a time could land, and accompanied by an English or Spanish officer, who would look after them without molestation in their enjoyments or amusement ; that for this, periods should be fixed not very proximate, and days and hours previously determined on ; and that this measure, applicable to the black soldiers of the "Romney" while they remain stationed there, shall not be considered so with regard to the other English vessels of war, or those of any other nation, which accidentally or for a time may arrive at the island. If these bases should appear convenient to the Government of Her Britannic Majesty, the necessary orders will

be issued to the authorities of the Island of Cuba, and the same if you acquiesce in it in the name of your Government.

I trust that your Government will feel convinced that the Government of Spain, in taking on themselves the responsibility of deviating from the opinions of the authorities of the island, and forming an exception in the rules established from 1796 till this day, in a matter so serious, give a proof by no means equivocal of their ardent desire to do what is pleasing to the Government of Her Britannic Majesty, in as much as is in their power.

I avail myself, &c.

(Signed)

THE COUNT OF OFALIA.

Second Enclosure in No. 50.

Circular issued by the Captain-General of the Island of Cuba.

(Translation.)

Havana, January 3, 1835.

NOTWITHSTANDING the very marked orders of their Excellencies, my predecessors, approved of by His Majesty, to prevent the introduction of slaves, and free negroes and mulattoes, from foreign colonies and from Costafirme, it has come to my knowledge that, in contravention of the said prohibition, some are admitted by the coasts; in consequence of which I have thought proper to remind the exact fulfilment of the circular of the 28th July, 1832, which is copied in continuation; for the infraction of which I shall, without remission, exact the responsibility of the authorities whose duty it is to attend to its observance, as also of the consequences which might result in a matter in which the public tranquillity is so compromised.

Circular of July 28, 1832.—Under date of the 9th of the preceding month, I have been informed by a person in the confidence of Government, from one of the *Antilles*, of the very important fact, that the clandestine introduction into this island of criminal negroes from Jamaica is actually taking place, and that a foreign commercial house holds a special privilege for that traffic, and that it authorized, to whoever carried it on, an allowance of 25 dollars for each negro.

The most efficacious vigilance to prevent the introduction into this island of that dangerous class of negroes and mulattoes, contaminated with the fallacious doctrines invented by the revolutionists of both worlds, should be a most privileged object of the care and attention of the authorities. The proprietors and all the inhabitants ought, for their own self-interest, to co-operate with the Government to save us from the distressing consequences which will be the fatal result of a scandalous disobedience of the most marked, just, and well-meditated orders of this Captain Generalship, which antecedents I have examined.

By a solemn proclamation, published in this city on the 25th February, 1796, in the Second Article, the introduction of slaves who had lived in foreign countries was prohibited under any pretext or title, with the penalty for the first offence of exacting from the importer (and in his defect the possessor, with right to reclaim against the first,) 100 dollars of fine for every one, in behalf of the Royal Court, the poor of the prison, and the denouncers by third parts; 200 for the second, and 300 for the third, with the same application; the importer being, besides, in the last case, banished from the island for the time which His Majesty the King, our Lord, should think proper. It being also in all cases at the charge of the importer, and in his defect the possessor, to remove from the island the reprobated negroes.

I have observed that, under date of the 9th of July, 1829, the information that negro slaves from Costafirme were being introduced, for the purpose of perverting those of this island, was communicated by circular from this Government to all the authorities, and that it being necessary for general security that such disorders should be put an end to, the most active measures were ordained for that purpose. By a royal order of the 8th of October of the same year, his Majesty was pleased to approve of this important measure. On the 6th of August, 1831, the fears of an insurrectionary movement among the slaves of Jamaica was circulated to the island, recommending the strictest vigilance to prevent the clandestine introduction of foreign negroes and mulattoes. On the 14th of January this year similar strong orders were repeated, and I have now the pain of receiving the above alarming information.

I am aware that sordid interest and the demoralization of certain unreflecting persons have eluded the most salutary and well-meditated measures of Government, becoming felons in their conscience to the painful and bitter fruits which they will some day gather. When persuasion does not suffice, vigorous measures must be adopted to attain the beneficent result to which the views of the authorities are directed. Common crimes are punished after commission; but it is necessary to prevent riots and insurrections, for afterwards the evils are without remedy. In consequence of which I not only remind you of the exact fulfilment of the above measures, but also that, re-establishing the observance of the second article of the proclamation of 1796, I have thought fit, with regard to the penalty which is there laid down, to alter it, in order to obtain better results, awarding to the informer in the three cases the two-thirds of the fine, retaining the other third for the Royal Court, adding besides, in all three, the judicial procedure for the disobedience of such repeated orders. All which you will be pleased to publish and circulate in the district under your command, for its exact fulfilment, acknowledging the receipt.

Havana, 28th July, 1832.

MARIANO RICAFORT.

God preserve, &c.
(Signed) MIGUEL TACON.

Third Enclosure in No. 50.

(Translation.)

Circular.

Havana, 12th June, 1838.

FOR the purpose of preserving the security of the island, and that on no pretext blacks or mulattoes, proceeding from foreign countries, be introduced into it, I have thought proper to ordain, that as soon as any vessel, of whatever nation, comes to anchor, having on board any of the above individuals, either as passengers or belonging to the crew or in service, the captain or the consignee shall present bail in 1000 dollars, to answer for the said freed negroes not coming on shore, but at the time of sailing off they must present them for identification, in order that the authorities may be convinced of their departure; under penalty that, in case of not rendering such bail the freed negroes shall be sent to the public prison, or other place of security, under arrest, where they will remain until the moment that the vessel which brought them is putting to sea. And with regard to those who are actually under arrest, this last part will be observed, and they will remain in the same condition, unless the captain or consignee produces the above bail; in which case they will be immediately restored to their vessels. All the above I communicate to you that you may issue orders to the chiefs and authorities under you to contribute towards the realization of such an important service.

God preserve, &c.

(Signed) JOAQUIM DE ESPELETA.

No. 51.

Lord William Hervey to Viscount Palmerston.—(Received September 16.)

MY LORD,

Madrid, 8th September, 1838.

WITH reference to Sir George Villiers' despatch of the 14th of April last, respecting the conduct of Lieutenant Cruz of the Spanish pilot-boat "*Teresita*," in not having brought before the Mixed Commission at the Havana the schooner "*Matilde*," which he captured in the port of Guantanamo, on suspicion of her being engaged in the Slave Trade, I have the honour to enclose to your Lordship the copy and translation of a note, which I have received from Count Ofalia, in reply to that which Sir George Villiers addressed to his Excellency upon that subject on the 10th of April last.

Count Ofalia states, that he has communicated to the Minister of Marine the orders of the Queen Regent, that Lieutenant Cruz be severely reprimanded for having failed to give information of the capture of the "*Matilde*" to the Mixed Commission at the Havana.

I have, &c.

(Signed) WILLIAM HERVEY.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 51.

(Translation.)

Count Ofalia to Lord William Hervey.

SIR,

Madrid, August 29th, 1838.

HER Britannic Majesty's Minister, in a note which he was pleased to address to me on the 10th of April last, enforced the complaint previously made against Lieutenant Cruz, Commander of the Spanish pilot boat of war "*Teresita*," for not having carried before the Mixed Court of Justice at the Havana the schooner "*Matilda*," taken by him in the port of Guantnamo, under suspicion of being employed in the Slave Trade.

In order to be enabled to form a sound judgment with regard to this occurrence, I called for the processes instituted in the matter before the Maritime Tribunals of Santiago de Cuba and the Havana; and from them it appears, that though it is certain that the schooner "*Matilde*" was sent to Santiago de Cuba by the capturer, always with the object of her being tried by the competent tribunal, it was also proved that in the leaky condition of the vessel it was impossible to carry her to the Havana.

With regard to this it should be observed that even Captain Jones, of Her Britannic Majesty's ship "*Vestal*," in the letter which, on the 25th of May last year, he addressed to the Mixed Tribunal of Justice, says, that Lieutenant Cruz assured the English officers who boarded the "*Matilde*," that "on the following day he would send the prize to Santiago de Cuba," with which that Captain remained satisfied, as is to be presumed from what he himself expresses, that having received the explanation, the "*Vestal*" continued her voyage.

Lieutenant Cruz fulfilled punctually what he promised to the English officers of the "*Vestal*;" and in the official letter which he addressed to the Naval Commander of the Cuba station, on sending the above-mentioned schooner, he expressly states that, on account of the damaged state of the "*Matilde*," he sends her there in order to be tried by the competent tribunal. Lieutenant Cruz ought to presume that, after the schooner had been examined and repaired, she would have been sent to the Havana at the disposition of the Mixed Court, which was the competent one. If this did not take place, as it ought, it arose in consequence of the Naval Commander of the Cuba station, and the Commandant-General of the station of the Havana, the matter of competency of jurisdiction having been mooted with the Mixed Court, being led into error by their assessors with regard to a point of law, which for the future has been cleared up by means of a royal order, which, under this date, I circulate to the other departments of state, to the Captain-General of the Havana, and to the Mixed Court itself.

At the same time, in order not to tolerate the most trifling want of exactitude and punctual fulfilment of the Treaty of the 28th of June, 1835, because Lieutenant Cruz did not directly acquaint the Mixed Tribunal with the seizure of the schooner "*Matilde*," submitting the case to their decision, and expressing the causes which prevented her being at once placed at their disposition, I have communicated to the Minister of Marine Her Majesty's order, commanding the chiefs of that officer to give him a severe reprimand, and make him understand that if he is not deprived of his employment, it is because the sending of the "*Matilde*" to St. Jago de Cuba was in consequence of her damaged condition, which circumstance in a certain degree diminishes his culpability.

I avail myself, &c,

(Signed)

THE COUNT OF OFALIA.

Her Britannic Majesty's Chargé d'Affaires,

&c. &c. &c.

No. 52.

Viscount Palmerston to Lord William Hervey.

MY LORD,

Foreign Office, 21st September, 1838.

WITH reference to my instructions to Sir George Villiers of the 11th of January last, and to Sir George Villiers' despatches to me of the 27th and 31st of the same month, relative to the ill-treatment of Mr. John Campbell

by the authorities of Manzanillo, in the Island of Cuba; I have to instruct you to remind the Spanish Government of this case, and to request an early answer to Sir George Villiers' representation thereupon.

I am, &c.

(Signed)

PALMERSTON.

To Lord William Hervey,
&c. &c. &c.

No. 53.

Lord William Hervey to Viscount Palmerston.—(Received September 27.)

MY LORD,

Madrid, September 15, 1838.

In conformity with the instructions contained in your Lordship's Despatch of the 28th ultimo, respecting the entry at the Havana of three slave-vessels, the "*Eliza*," the "*Esplorador*," and the "*Irene*," I have addressed to the Duc de Frias the note, of which I have the honour to enclose a copy to your Lordship.

I have, &c.

(Signed)

WILLIAM HERVEY.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 53.

Lord William Hervey to the Duke of Frias.

SIR,

Madrid, 11th September, 1838.

I HAVE the honour to enclose herewith to your Excellency the translations of two letters which have been addressed by Her Majesty's Judge at the Havana to the Captain-General of the Island of Cuba, giving an account of the entry at the Havana of three slave-vessels, the Portuguese schooner "*Eliza*," the Spanish brig "*Esplorador*," and the Spanish brig "*Irene*," after having, it appears, discharged their cargoes elsewhere.

The "*Irene*" is reported to be a sort of partner with the "*Esplorador*," having been fitted out by the same owners, ironmongers of the Havana, named Fernandez, for Mozambique, where they were blockaded by a British vessel of war about three months.

She sailed from the Havana for that coast on the 7th of July, 1837.

I have received instructions, in communicating these facts to your Excellency, to state that it is painful to Her Majesty's Government to learn the continued infractions of the treaty with Spain for the suppression of the Slave Trade.

The circumstances attending the case of the "*Esplorador*" are of a revolting nature, and I am instructed to make it a subject of a special representation to the Spanish Government.

That vessel appears to have sailed from the Havana on the 13th of June, 1837, under the name of the "*Aguila*" or "*Aguila Vengadora*," supplied with fire-arms and ammunition to a great amount. She sailed, it is said, to Madagascar and Mozambique, and not finding any negroes on the coast to be bought, forcibly and piratically took from other vessels, there on the same errand, the negroes they had collected, and gave the robbed vessels a quantity of gunpowder, with a recommendation to them to adopt the same course. Having thus got together about 560 negroes, the report further states, that before they got out of the range of the Monsoons, they encountered very violent weather, which lasted two days, and compelled them to shut down the hatches, without being able to give the negroes, during that time, air or food. The consequence was that, when the storm abated, and they went to examine their condition, they found that about 300 negroes had perished of suffocation and hunger, and, with the other ordinary mortality afterwards attending such voyages, the "*Esplorador*" arrived at the Havana with only about 200 surviving.

At the same time that the "*Esplorador*" entered the harbour, a Spanish brig of war was signalled at the Moro, which had been many hours in sight, and was then apparently not more than a mile distant from the shore. That brig was said to be the "*General Laborde*," and to have been a considerable time in company

with the "*Esplorador*, whose character she could not therefore have failed to observe. The officer in command of her appears, nevertheless, not to have taken any steps to examine into the cargo or equipment of a vessel which was so evidently a slaver, and no condemnatory notice seems to have been taken of the "*Esplorador*" on such account by the authorities at the Havana.

I am further instructed earnestly to request, on the part of her Majesty's Government, that the Government of Spain will institute a prompt and searching inquiry into a transaction which is calculated to cast so severe a stigma on the Spanish character; and that peremptory orders may be given to inflict the most exemplary punishment upon all the parties who may prove to have been implicated in the atrocious crime alleged in the case of this vessel.

The Government of the Queen, my Sovereign, cannot doubt that the Spanish Government will, for the honour of the Spanish Navy, visit with an adequate punishment the misconduct of the officer who commanded the brig of war, which was so many hours in company with the slaver without taking any step to carry into execution, with respect to her, the provisions of the Treaty of 1835.

I have, &c.

(Signed)

WILLIAM HERVEY.

His Excellency the Duke of Frias,
&c. &c. &c.

No. 54.

Lord William Hervey to Viscount Palmerston.—(Received September 27.)

MY LORD,

Madrid, September 15th, 1838.

I HAVE the honour to enclose to your Lordship the copy of a note which I have addressed to the Duc de Frias, in execution of the instructions contained in your Lordship's Despatch of the 28th ultimo, communicating to his Excellency certain facts relative to the traffic in slaves carried on at the Havana, and requesting that fresh and positive instructions may be given to the Captain-General of the Island of Cuba, to exert due diligence, and to act with good faith, in execution of the orders given by the Spanish Government, in accordance with the treaties between Great Britain and Spain, for the suppression of the Slave Trade.

I have, &c.

(Signed)

WILLIAM HERVEY.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 54.

Lord William Hervey to the Duke of Frias.

SIR,

Madrid, September 11, 1838.

I HAVE the honour to acquaint your Excellency, that I have received instructions from the Government of the Queen, my Sovereign, to communicate to that of Her Catholic Majesty certain facts, relative to the traffic in slaves carried on at the Havana, to which I take the liberty of inviting your Excellency's serious attention.

During the last year some decided check seemed to have been given to the course of the Slave Trade in Cuba; and the panic which, by the activity of Her Majesty's cruisers, had been struck into the slave-traders connected with that Island, continued in a certain degree to the beginning of this year, insomuch that, in the first quarter of it, not more than thirteen vessels sailed for Africa from the Havana.

It appears that a higher price for negroes, and a new demand for them, has again tempted the cupidity of the dealers; and the recent importation of slaves, during the month of June, into the Island of Cuba, has consequently been very great.

It is said that 1300 of these were brought in three vessels, mostly for a merchant named Joaquim Gomez, upon whom Her Catholic Majesty has lately conferred the

Grand Cross of Charles the Third, doubtless in ignorance of his being deeply concerned in the Slave Trade.

No fewer than twenty-five vessels sailed for Africa from the Havana, in the months of April, May, and June, and nine of these bore the Portuguese flag; some were without any papers, others carried only forged ones.

In the middle of July last there were, at one and the same time, no fewer than eighteen vessels fitting out in the port of Havana for Africa.

These facts, which form but a portion of those which have recently occurred at the Havana, tending to show the prevalence of the Slave Trade, denote strongly how systematically the colonial authorities of Spain disobey the orders which the Spanish Government has given them on this subject.

I have consequently been directed, in making this communication to your Excellency, to request that fresh and positive instructions may be given to the Captain-General of Cuba, to exert due diligence, and to act with good faith, in execution of the orders given by the Spanish Government, in accordance with the Treaties concluded by Spain with Great Britain, for the suppression of the Slave Trade.

I have, &c.

(Signed)

WILLIAM HERVEY.

His Excellency the Duke of Frias,
&c. &c. &c.

No. 55.

Viscount Palmerston to Lord W. Hervey.

MY LORD,

Foreign Office, 29th Sept. 1838.

I HAVE received and laid before the Queen your Despatch marked Slave Trade of the 1st September, 1838, relative to the black soldiers employed as marines on board the "Romney" hulk at the Havana; and I have to inform you that Her Majesty's Government cannot meet the wishes of the Spanish Government, expressed in Count Ofalia's note of the 31st August last, by employing white soldiers in the place of these men.

You will therefore state to the Spanish Minister, that Her Majesty's Government accept the offer, made in the note above mentioned, of permission to these black soldiers to go on shore occasionally, under the precautions pointed out by Count Ofalia, and that Her Majesty's Commissioners at Havana have been instructed to put themselves in communication with the Captain-General of Cuba, for the purpose of making arrangements for the occasional landing of detachments of these men, at the place and on the days which that officer may appoint. You will moreover add, that as these men have been confined to their ship for so long a period, Her Majesty's Government hope that the Spanish Government will instruct the authorities of Cuba to take the requisite measures with as little delay as possible, in order that the men may be at once admitted to the enjoyment of the advantages of the arrangement proposed by Count Ofalia; and you will say that Her Majesty's Government still hope, that, when experience has shown, as they are confident it will, that no evil arises from the occasional landing of these men, those parts of the arrangement, which must obviously be attended with much inconvenience to the British detachment on board the "Romney," may be relaxed.

I am, &c.

(Signed)

PALMERSTON.

Lord W. Hervey,
&c. &c.

No. 56.

Lord W. Hervey to Viscount Palmerston.—(Received October 1.)

MY LORD,

Madrid, September, 22, 1838.

I HAVE the honour to enclose to your Lordship the copy and translation of a note which I received on the 19th instant from the Duc de Frias, in answer to that which I addressed to his Excellency on the 11th instant, upon the

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subject of the increase of the Slave Trade at the Havana, and of which a copy was enclosed in my Despatch of the 15th instant.

I have, &c.

(Signed)

WILLIAM HERVEY.

The Right Hon. Viscount Palmerston, G.C.B.

&c. &c. &c.

Enclosure in No. 56.

The Duke of Frias to Lord William Hervey.

(Translation.)

SIR,

Madrid, September 13, 1838.

IN consequence of the note which you were pleased to address to me under date of the day before yesterday, denouncing various acts contrary to existing Treaties prohibiting the traffic in slaves, Her Majesty the Queen Regent has been pleased to determine, that the facts stated by you be communicated to the Captain-General of the Island of Cuba, and that I desire him, as I this day do, to report upon them, and to employ incessantly all his vigilance towards suppressing the clandestine slave-traffic, which Her Majesty the Queen observes with the greatest displeasure to be increasing, if the information which you participate in your note is exact.

In reply to the above-cited communication, I have the honour, &c.

(Signed)

THE DUKE OF FRIAS.

The British Chargé d'Affaires,

&c. &c. &c.

No. 57.

Lord W. Hervey to Viscount Palmerston.—(Received October 8.)

MY LORD,

Madrid, 29th September, 1838.

WITH reference to my Despatch of the 15th instant, respecting the entry at the Havana of the slave-vessels "*Eliza*," "*Esplorador*," and "*Irene*," I have now the honour to transmit to your Lordship a copy and translation of the reply which I have received from the Duc de Frias, to the note which I addressed to his Excellency upon the subject, on the 11th instant.

I have, &c.

(Signed)

WILLIAM HERVEY.

The Right Hon. Viscount Palmerston, G.C.B.

&c. &c. &c.

Enclosure in No. 57.

The Duke of Frias to Lord William Hervey.

(Translation.)

SIR,

Madrid, September 26, 1838.

I HAVE received the note which you were pleased to address to me on the 11th instant, complaining of the infractions of the Treaties for the prevention of the inhuman traffic in negroes, particularly with regard to the voyages of this kind, supposed to have been made by the slavers "*Eliza*," "*Esplorador*," and "*Irene*."

Although Her Majesty cannot help suspecting that there may have been some exaggeration in the information received by the British Judge at the Havana, she has been pleased to resolve that the Captain-General of the Havana shall make an immediate and detailed report with regard to the cases of which you complain; and at the same time that he be again directed to exercise the greatest vigilance in repressing, with every severity, any transgression of the above-mentioned Treaties, at the smallest indication which he may have; for such is demanded, not only by the loyal observance of them on our part, but by the lively desire of the Government of Her Majesty the Queen to show that of Her Britannic Majesty, that they

proceed in accord with it, to carry into effect the philanthropic and rational object they had in view in contracting those mutual obligations.

I avail myself, &c.

(Signed)

THE DUKE OF FRIAS.

The British Chargé d'Affaires,
&c. &c. &c.

No. 58.

Viscount Palmerston to Lord William Hervey.

MY LORD,

Foreign Office, October 15th, 1838.

I HEREWITH transmit to you a copy of a letter, which I have received from a Mr. Francis, relative to the Spanish law, which prohibits the landing of free blacks and mulattoes in the Island of Cuba on arriving from foreign parts; and with reference to the correspondence which has already passed between Her Majesty's Commissioners at Madrid and the Spanish Government upon this subject, in the case of the black soldiers on board the "Romney" hulk at the Havana, I have to instruct you to request from the Spanish Government a mitigation of this law. Your Lordship will point out how hardly it bears upon British subjects, and what an unfavourable impression it is calculated to produce upon the public mind in this country.

I am, &c.

To Lord William Hervey,
&c. &c. &c.

(Signed)

PALMERSTON.

Enclosure in No. 58.

Mr. G. G. Francis to Viscount Palmerston,

MY LORD,

High Street, Swansea, September 24, 1838.

As the following is a matter of very considerable importance, both as respects the liberty of the subject and the commerce of this port especially, I take the liberty of annexing the following case for your Lordship's perusal.

A very considerable and increasing trade exists between the Port of Swansea and the Port of St. Jago de Cuba, in the carrying of copper-ore from the latter place for smelting; from the severity with which the yellow fever attacks Europeans, it has been found necessary to employ (in some cases) black cooks and stewards, inasmuch as the heat in the galley, or cook-house, seems to induce the above dreadful disease.

Having stated this much, I most respectfully beg to be informed whether the authorities at St. Jago have *any right* to send on board a *British ship* and seize therefrom a black cook, a native of Jamaica (and who had also been in England), and throw him into prison, making, in addition to this outrage, a charge for his maintenance, and requiring a fee for his liberation on the departure of the ship.

Hoping a matter of such vital importance will be a sufficient apology for intruding myself on your Lordship's consideration,

I have, &c.

(Signed)

GEORGE G. FRANCIS.

To the Right Hon. Lord Palmerston, Foreign Secretary.

No. 59.

Lord William Hervey to Viscount Palmerston.—(Received October 17.)

MY LORD,

Madrid, October 6th, 1838.

AGREEABLY to the instructions contained in your Lordship's Despatch respecting the ill-treatment of Mr. John Campbell by the authorities of Manzanillo in the Island of Cuba, I have addressed a note to the Duke de Frias, of which I have the honour to enclose a copy to your Lordship.

I have, &c.

(Signed)

WILLIAM HERVEY.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 59.

Lord William Hervey to His Excellency the Duke of Frias.

SIR,

Madrid, October 1st, 1838.

ON the 26th January last, Sir George Villiers addressed to Count Ofalia a representation, upon the subject of the ill-treatment, by the authorities of Manzanillo and Santiago de Cuba, of Mr. John Campbell, a British subject, who, having been wrecked on his passage from Jamaica to Nova Scotia, had been carried by the wreckers to Nassau, New Providence, and from thence by a Spanish schooner to Cuba on his way back to Jamaica.

On the 31st of the same month Count Ofalia replied to Sir George Villiers's note, stating that the Captain General of the Island of Cuba had been directed to make a full report of all the circumstances of this case, in order that the Queen Regent might adopt such measure as should appear proper upon a thorough investigation of the whole matter.

No further communication having yet been received from the Spanish Government upon this case, I have been instructed to invite your Excellency's attention to it, and to request an early answer to Sir George Villiers's representation thereupon.

I have, &c.

To His Excellency the Duke of Frias, Signed) WILLIAM HERVEY.
&c. &c. &c.

No. 60.

Lord William Hervey to Viscount Palmerston.—(Received October 17.)

MY LORD,

Madrid, October 6th, 1838.

I HAVE the honour to enclose to your Lordship the copy of a letter which I have received from Her Majesty's Consul at Cadiz, containing some information respecting the arrival at that port of a Spanish brig named the "*Emprendedor*," and supposed to have been engaged in the Slave Trade, and to be actually preparing for a new voyage.

I have the honour likewise to enclose a copy of a note, which I have addressed to the Duke de Frias upon this subject.

I have, &c.

(Signed) WILLIAM HERVEY.
The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

First Enclosure in No. 60.

Mr. Brackenbury to Lord William Hervey.

MY LORD,

Cadiz, 28th September, 1838.

I HAVE the honour to acquaint your Lordship that a Spanish brig, which sailed from hence a few months ago, then called "*Boca Negra*," has since landed a cargo of 250 slaves for the Havana. Thence she proceeded to Trinidad de Cuba, where she loaded a cargo of sugar for this port, where she arrived on the 16th instant, under the new name of "*Emprendedor*."

She is beginning to take in water and cargo preparatory to her return to the Coast of Africa, of which there can be little doubt, as she belongs to Don Pedro Martinez of this city.

I have, &c.

Lord William Hervey, (Signed) J. M. BRACKENBURY.
&c. &c. &c.

Second Enclosure in No. 60.

Lord William Hervey to the Duke de Frias.

SIR,

Madrid, October 4th, 1838.

SOME information has lately reached me from Cadiz, upon which I can rely, respecting the arrival there, on the 16th ultimo, of a Spanish brig named the

"*Emprendedor*," and supposed not only to have been engaged in the Slave Trade, but to be actually preparing in that port for a new voyage.

This vessel is stated to have sailed from Cadiz a few months ago under the name of "*Boca Negra*," and to have since landed 250 slaves for the Havana, from whence she proceeded to Trinidad de Cuba, where she landed a cargo of sugar for Cadiz.

She is further stated to belong to Don Pedro Martinez, of Cadiz, and to have commenced taking in water and cargo, preparatory to her return to the coast of Africa.

It is my duty to lose no time in bringing these circumstances to your Excellency's knowledge, in order that your Excellency may be able immediately to take such measures, as may be proper for effectually preventing any violation of the Treaty concluded in the year 1835, between Great Britain and Spain, for the Suppression of the Slave Trade.

I have, &c.
(Signed) WILLIAM HERVEY.

Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 61.

Lord William Hervey to Viscount Palmerston.—(Received October 23.)

MY LORD,

Madrid, 13th October, 1838.

WITH reference to my Despatch of the 6th inst., relative to the vessel "*Emprendedor*," supposed to be preparing for a slave voyage in the port of Cadiz, I have now the honour to enclose to your Lordship the Copy and Translation of a note, which I have received from the Duc de Frias, in answer to that which I addressed to his Excellency on the 4th inst.

I have, &c.
(Signed) WILLIAM HERVEY.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 61.

(Translation.) *The Duke of Frias to Lord William Hervey.*

SIR,

Madrid, 8th October, 1838.

I HAVE received the note dated the 4th inst., which you were pleased to address to me, respecting the suspicions which you entertained on the subject of the Spanish brig "*Emprendedor*," lying in the port of Cadiz; and by the mail of the 5th inst. I have written officially to the Political Chief of Cadiz, by Her Majesty's commands, in order that he may inquire into, and report with exactitude what may have taken place in the matter in question, and communicate it to me without a moment's delay.

I have, &c.
(Signed) THE DUKE OF FRIAS.

The British Chargé d'Affaires,
&c. &c. &c.

No. 62.

Viscount Palmerston to Sir G. Villiers.

SIR,

Foreign Office, 26th October, 1838.

WITH reference to former correspondence, upon the subject of the alleged importation of slaves into Cuba, by the "*Principeño*," the "*Esplorador*," and the "*Irene*," I herewith transmit, for your information, copies of three Despatches, which I have received from Her Majesty's Commissioners at the Havana, relative to the manner in which these cases were investigated by the Spanish authorities.

I also enclose a Copy of a Despatch, which I have addressed to Her Ma-

jesty's Commissioners at the Havana, by which you will learn, that I have fully approved of the animadversions which the British Judge addressed to the Captain-General upon the conduct of the subordinate authorities, who were entrusted with the investigation of these cases.

You will communicate these papers to the Spanish Government; you will point out to them that there can be no hope that the importation of slaves into Cuba will be suppressed, until an entire change is effected in the course at present taken for the examination of Slave Trade transactions; and you will propose, that, as experience has proved that no Spanish authorities will conduct investigations of this nature faithfully and truly, power shall be given to the Mixed Court of Commission established at the Havana to call before it parties suspected of being engaged in the Slave Trade, and to subject them to the same course of examination, which ought to be carried on by the administrative officers of the Colonial Government, but which is wholly evaded and omitted by those officers.

Sir G. Villiers, G. C. B.,
&c. &c. &c.

I am, &c.
(Signed) PALMERSTON.

Enclosures in No. 62.

- First, *Havana Commissioners to Viscount Palmerston, August 17, 1838.*—
Class A. No. 79, p. 119.
Second, *Havana Commissioners to Viscount Palmerston, August 17, 1838.*—
Class A. No. 80, p. 123.
Third, *Havana Commissioners to Viscount Palmerston, August 22, 1838.*—
Class A. No. 83, p. 126.
Fourth, *Viscount Palmerston to Havana Commissioners, Foreign Office, October 15, 1838.*—Class A. No. 87, p. 130.
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No. 63.

Viscount Palmerston to Sir George Villiers.

SIR,

Foreign Office, October 26, 1838.

I have had under my consideration the draft, which you communicated to me in August last, of a law which the Spanish Government propose to present to Cortes, for increasing the punishments heretofore imposed on Spanish subjects engaged in the slave trade; and I now transmit to you a translation of that draft; in which I have made some alterations, which appear to me to render it better calculated to carry into effect the treaty of June, 1835, for the suppression of that traffic.

I have accordingly to instruct you to submit this amended draft, for the consideration of the Spanish Government; and strongly to urge that Government to use its best exertions, to prevail upon the Cortes to pass this law, and thus to fulfil a still unexecuted engagement, taken by the Crown of Spain by the Treaty of the 28th June, 1835.

I am, &c.
(Signed) PALMERSTON.

To Sir George Villiers,
&c. &c. &c.

Enclosure in No. 63.

Project of Law to increase the punishment heretofore imposed on those engaged in the illicit traffic in slaves; with alterations ordered by Lord Palmerston's memorandum of September 23, 1838.

TO THE CORTES.

The measures dictated by the royal cedula of the 10th of December, 1817, in pursuance of the treaty signed on the 23rd September of that year, between the Señor Don Fernando the VIIth. and the King of the United Kingdom of Great Britain and Ireland for the abolition of the traffic in slaves, not having been suffi-

cient to restrain the fraudulent introduction of slaves into the Spanish possessions beyond sea ; the August Queen Regent thought fit to conclude with the Sovereign of Great Britain another treaty, which was signed by the respective Plenipotentiaries at Madrid on the 28th June, 1835.

And in accordance with the stipulation contained in the second article of the said compact, it is become indispensable not only to take efficacious measures to prevent the flag and the subjects of Spain, in both hemispheres, from being employed in a trade, as contrary to the maxims of religion as it is to the feelings of humanity, but also to increase the punishment heretofore imposed on those who transgress in this respect, pointing out new penalties against those who may take part in the said illegal traffic, whom the provisions of the law now in force did not reach.

To the end, therefore, that the object of Her Majesty may be more completely attained, Her Majesty the Queen Regent, having heard her Council of Ministers, has thought good to authorise me to present to the Cortes the following project of law, to increase the punishments heretofore imposed on those who engage in the illicit traffic in slaves.

ARTICLE 1.

The Captain, Master, Pilot, and Crew of any Spanish vessel, which may be taken with a cargo of bozal negroes from the coast of Africa, by any of the ships of the royal navies of Spain or of Great Britain, specially authorized for that purpose, shall be deemed guilty of piracy, and shall suffer the punishment of ten years at the galleys.

ARTICLE 2.

The Captain, Master Pilot, and Crew of any Spanish vessel, on board of which no cargo of slaves may be found, but which may be prepared and fitted for this traffic, according to the indications which are mentioned in the tenth Article of the Treaty of the 28th of June, 1835, shall undergo the following punishments, according to the particular case :—

If the vessel be taken before leaving the port in which she has been fitted out, the captain, master, pilot, and crew shall suffer confinement in prison or fortress for a term of two years.

If the vessel be taken at sea, but before she has committed any act relative to the Slave Trade, the captain, master, pilot, and crew shall be condemned to four years at the galleys.

If, when the vessel be taken, negotiations shall have been commenced for the purchase of slaves, the captain, master, pilot, and crew shall suffer the punishment of six years at the galleys.

ARTICLE 3.

The owner or owners, the fitter-out, and the supercargo, of a vessel employed in the Slave Trade, shall suffer a punishment similar to that imposed on the captain of the vessel, by the provisions of the 1st and 2nd article of this law.

The owner or owners, the fitter-out and supercargo, shall only be able to clear themselves from all punishment, if they prove sufficiently that the expedition proposed by them had not for its object the traffic in slaves, and that the cargo and the object of the vessel were changed after her departure from port.

ARTICLE 4.

The purchaser of bozal African negroes, whether in Africa on the passage to Spain, or in a Spanish possession, shall suffer the punishment of six years at the galleys. .

ARTICLE 5.

The owner or owners of a vessel who may knowingly equip her, in order that another fitter-out may set on foot a voyage or expedition to the Coast of Africa, in search of bozal negroes, shall suffer the half of the punishment to be inflicted on the fitter-out in each case.

ARTICLE 6.

All Bozal African negroes shall be declared free on their landing in a Spanish possession.

ARTICLE 7.

Crimes and offences committed on board a vessel against bozal African negroes therein embarked, shall be punished with the penalties established by Spanish laws against such offences, when committed against free white Christian persons.

No. 64.

Sir George Villiers to Viscount Palmerston.—(Received October 28.)

MY LORD,

Madrid, 20th October, 1838.

WITH reference to Lord William Hervey's despatch of the 6th instant, enclosing the copy of a note to the Duke de Frias, respecting the ill-treatment of Mr. John Campbell by the authorities of Manzanillo, in the island of Cuba, I have the honour to enclose a copy and translation of the note, which I have received from his Excellency in reply.

I have, &c.

(Signed)

GEORGE VILLIERS.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 64.

The Duke of Frias to Sir G. Villiers.

SIR,

Madrid, 12th October, 1838.

UNDER this date I repeat to the Captain-General of the island of Cuba the royal order, which was communicated to him by my predecessor on the 31st of January last, to inquire into and report on the conduct of the authorities of Manzanillo and Santiago de Cuba, with regard to the occurrence with the British subject Mr. John Campbell, of which you make mention in your note of the 1st instant, and as soon as I receive the answer, which I expect from the said principal authority of the above-mentioned island, I shall submit the results to Her Majesty's consideration, and hasten to communicate to you the resolution which she may be pleased to adopt on this subject.

I avail, &c.

To Sir G. Villiers,
&c. &c.

(Signed)

THE DUKE OF FRIAS.

No. 65.

Sir George Villiers to Viscount Palmerston.—(Received October 28.)

MY LORD,

Madrid, October 20, 1838.

AGREEABLY to the instructions contained in your Lordship's despatch of the 29th ultimo, relative to the proposal of Count Ofalia for granting permission, on certain conditions, to the black soldiers employed on board the "Romney" hulk, to go occasionally on shore, I have addressed a note to the Duke de Frias, of which I have the honour to enclose a copy to your Lordship.

I have, &c.

(Signed)

GEORGE VILLIERS.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 65.

Sir George Villiers to the Duke of Frias.

MY LORD,

Madrid, 18th October, 1838.

ON the 31st of August last, Count Ofalia addressed to Lord William Hervey, a note relative to the black soldiers employed on board the "Romney" hulk at the Havana, expressing a wish that white soldiers should be employed, instead of those men, and proposing certain conditions, upon which the Government of Her Catholic Majesty were prepared to issue orders to the Captain-General of the Island of Cuba, to permit those black soldiers to go occasionally on shore.

The whole subject having been submitted to the consideration of Her Majesty's Government, I have received instructions to inform your Excellency, that they cannot meet the wishes of the Spanish Government expressed in Count Ofalia's note, by employing white soldiers in place of the negroes in question.

Her Majesty's Government therefore accept the offer made, in the note above-mentioned, of permission to these black soldiers to go on shore occasionally, under the precautions pointed out by Count Ofalia. And Her Majesty's Commissioners at the Havana have been instructed to put themselves in communication with the Captain-General of Cuba, for the purpose of making arrangements for the occasional landing of these men, at the place and on the days which that officer may appoint.

I am, moreover, instructed to add that, as these men have been confined to their ship for so long a period, Her Majesty's Government hope that the Spanish Government will direct the authorities of Cuba to take the requisite measures, with as little delay as possible, in order that the men may be at once admitted to the enjoyment of the advantages of the arrangement proposed by Count Ofalia: and that Her Majesty's Government still hope that, when experience has shown, as they are confident it will, that no evil arises from the occasional landing of these men, those parts of the arrangements which must obviously be attended with much inconvenience to the British detachment on board the "Romney" may be relaxed.

I have, &c.,
(Signed)

GEORGE VILLIERS.

His Excellency the Duke de Frias,
&c. &c. &c.

No. 66.

Viscount Palmerston to Sir George Villiers.

SIR,

Foreign Office, November 13, 1838.

I HEREWITH transmit to you copies of documents, which have been received at this office through the Colonial Department, containing statements of unjustifiable, harsh, and cruel treatment, which British subjects have suffered, in person and in property, from the Spanish authorities in the Island of Cuba.

The first case stated in these papers is, that of the sloop "*Antæus*," which was detained by the authorities at Manzanillo.

In this case, it appears to have been proved before the Spanish Courts, that the detention of the vessel was illegal and unjust. Yet no compensation was made to the Captain or Owner; and the only answer returned by the Captain-General to repeated complaints on the subject has been, that he has not yet obtained a report upon this case from the authorities of Manzanillo.

The second case is that of the assassination of a seaman belonging to Her Majesty's ship "Ringdove."

Punishment of the offender has been demanded, and the answer which is returned is, that the murder is acknowledged to have been committed, and that the Marine Tribunal are aware of the name and condition of the assassin; but no step has yet been taken by the Government of Cuba for bringing the criminal to justice.

The third case is that of Mr. Pott, a British subject, clerk to a merchant in Jamaica, who, while making an excursion for pleasure in a small boat from thence, was driven by stress of weather to the Island of Cuba, was there arrested, detained in prison nearly a month, and subjected to severe privations and cruel treatment while in prison. The health of this person was much injured by the sufferings he underwent; and he lost his situation in Jamaica, owing to his protracted absence from thence.

Five hundred dollars were demanded as a compensation to this gentleman. The sum appears very small; but the only reply which can be obtained to the complaint is, that a discussion upon the subject has taken place between the Local Government, and the British Consul, and the Commander of Her Majesty's ship "Pickle."

The fourth case is, the detention of the sloop "Sarah Ann," and the imprisonment of her crew. The crew of this vessel were thrown into prison, and confined with felons under sentence of death; no cause or excuse for this treatment being assigned, excepting that the crew were men of colour.

One hundred and ninety dollars have been claimed as compensation for the detention of this vessel and her crew; and even this inconsiderable amount is

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withheld. The reply of the Captain-General is a mysterious allusion to a power or authority, which applies to cases like the case in point; and which authority the Captain-General has received from the sovereign authority in Spain.

The fifth case is that of the seizure of the schooner "Red Rover," which put into Cumberland Harbour, in her way from Jamaica to Crooked Island, and was seized at the former place; and being sold, her proceeds were distributed among the captors.

The answer first given to the complaint on this case was, that the vessel had been condemned, and that appeal must be made to a higher court. But the owner has no means to pursue his rights at law; and the complaint having been transmitted to the Captain-General, the answer of that officer was, that he did not believe, that such a proceeding as was represented had actually taken place in the Tribunals of the Island.

The sixth subject of complaint is the imprisonment and wanton cruelty inflicted on Mr. John Campbell.

You have already been instructed, by my despatch of the 11th of January last, to demand redress from the Spanish Government for the injustice done in this case.

It does not appear from Lord William Hervey's despatches, that the Spanish Government have yet given any reply to your representation, further than that they had desired the Captain-General of Cuba to report upon the case.

These acts of injustice and cruelty, committed by the authorities of Cuba, against the persons and property of Her Majesty's subjects, cannot be permitted to pass without redress.

I have accordingly to desire, that you will immediately present a note to the Spanish Government, stating the cases of complaint detailed in the enclosed papers, and adding thereto any further information which you may have received upon the subject.

You will in that note state the just expectation of Her Majesty's Government, that full and immediate compensation will be made by the Government of Cuba to the much-injured British subjects, whose cases you are instructed to bring under the notice of the Government of Spain; and you will express the hope of the British Government, that it may thus be relieved from the disagreeable necessity of obtaining redress through the Admiral Commanding on the West India Station.

I am, &c.

(Signed)

PALMERSTON.

To Sir G. Villiers, G.C.B.,
&c. &c. &c.

Enclosure in No. 66.

Mr. Stephen to Mr. Backhouse.

SIR,

Colonial Office, 31st October, 1838.

WITH reference to my letter of the 2nd instant, I am directed by Lord Glenelg to transmit to you a further Despatch, which has been received from the Governor of Jamaica, on the subject of the restrictions imposed by the Government of Cuba on the landing of black and coloured persons in that Island, and I am to request that you will lay this Despatch before Lord Palmerston, for his consideration, in connexion with the papers already referred to him on the same subject.

I have, &c.,

(Signed)

JAMES STEPHEN.

To J. Backhouse, Esq.,
&c. &c. &c.

Sub-Enclosure A. in No. 66.

Sir Lionel Smith to Lord Glenelg.

MY LORD,

King's House, 7th September, 1838.

HAVING reference to my Despatch, No. 152, of the 13th ultimo, on the subject of the restrictions imposed by the Government of Cuba upon the landing of

black and coloured persons in that Island, and generally upon intercourse with this colony, I do myself the honour to transmit copy of a Report I have received from Commodore Douglas, by which it appears that his efforts to obtain redress in the different cases which have been complained of, have proved unavailing, and I take the opportunity of transmitting to your Lordship the memorials of Mr. John Campbell and Mr. Henry Potts, which will better enable your Lordship to judge of the system of annoyance pursued by the authorities at Cuba.

I have, &c.

(Signed)

LIONEL SMITH.

To the Right Hon. the Lord Glenelg,
&c. &c. &c.

Sub-Enclosure B. in No. 66.

Commodore Douglas to Sir Lionel Smith.

SIR, *H. M. S. "Magnificent," Port Royal, September 4th, 1838.*

I HAVE the honour to enclose you copies of three letters, one from Captain the Honourable P. P. Cary, of Her Majesty's Sloop "Comus," and the others answers to it, from the Captain-General of Cuba, wherein your Excellency will see that it is not the intention of the Governor-General to give any redress to the several complaints made by me at your request. I am, therefore, going to enclose the whole of the proceedings to the Commander-in-Chief, as I think I have gone as far as I have authority to go.

I have, &c.

(Signed)

P. F. DOUGLAS, Commodore.

To His Excellency Sir Lionel Smith,
&c. &c. &c.

Sub-Enclosure C. in No. 66.

Commander Cary to His Excellency the Captain-General of the Island of Cuba.

MOST EXCELLENT SIR, *H. M. S. "Comus," Havana, July 20, 1838.*

HAVING arrived here yesterday, with orders from Commodore Douglas to apply to your Excellency for redress to several complaints against the authorities at St. Jago de Cuba, I proceed, without further prelude, to lay the same before you. The first is the case of the sloop "Antæus," of Montego Bay, respecting which I had the honour of addressing you on the 15th May. Your Excellency was then pleased to say that the affair should be investigated; and I have no doubt therefore that, by this time, the particulars of the vessel's illegal and unjust detention, not only in the first instance, but subsequently, when she had been acquitted without costs, on some frivolous excuse, to the great injury of the captain and owner, are already known to your Excellency; and that the demands that I am instructed urgently to make in their behalf, for a compensation for loss of time, will be immediately complied with, and the vessel, if still detained, be given up.

My second relates to the delays which have arisen in the punishment of the man, who stabbed a seamen belonging to Her Majesty's ship "Ringdove." The authorities in St. Jago de Cuba excuse themselves, on the plea of the course of legal proceedings being necessarily tardy; but so many proofs are daily given of the contrary, when there is an inclination on the part of the judges to administer summary justice, that there is too much reason to suspect the existence of a desire in some influential quarter to shelter from punishment the criminal in question. I am sure your Excellency will not tolerate such corrupt views, and that the mere mention of this suspicion will lead you to dictate measures for bringing the case to an immediate conclusion.

The third case is one of a Mr. Potts, who, whilst making a cruise of pleasure in a small boat along the coast of Jamaica, was blown off, and after beating about four days at sea, without provisions, took refuge in the port of St. Jago de Cuba, where he was barbarously arrested and thrown into prison. There he

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remained nearly a month, when it was decided that, as he had no criminal object in entering the port of St. Jago, but had been driven there by an unfortunate accident, very common at sea, he should be set at liberty. For this person's unjust detention I am instructed to ask an indemnification of 500 dollars.

Fourthly, I have to claim for the master of the sloop "Sarah Ann" the sum of 196 dollars, as a compensation for the detention of the vessel and the imprisonment of the men. These men were men of colour, but they were not the less innocent or respectable. They had committed no breach of the laws of Spain, yet they were torn from their vessel (which was thus abandoned) and thrown into prison, amongst felons and culprits under sentence of death, contrary to the common laws of nations, and merely on a order emanating from your predecessor, which order your Excellency has seen the injustice of, and has since reversed. The small compensation which is demanded for these men I trust, therefore, will be paid without reserve.

The last case I am instructed to lay before your Excellency's notice is that of the schooner "Red Rover," which vessel, on a voyage from Falmouth, Jamaica, to Crooked Island, was seized in Cumberland Harbour and sold, and the proceeds distributed amongst the captors. The declaration of the authorities at Cuba is, that the vessel has been regularly condemned by the proper court, and that, if the owners want redress, they must seek it in a higher tribunal. But this is virtually to refuse it altogether, for it is almost certain that the proprietor of the vessel in question has neither knowledge nor means sufficient to pursue his rights at law.

My urgent request to your Excellency is, that you would therefore cause the case to be revised, and to see justice done to the owner of the schooner.

I have, &c.

(Signed) PLANTAGENET CARY.

Sub-Enclosure D. in No. 66.

The Captain-General to Commander Cary.

(Translation.)

Havana, 23rd July, 1838.

I HAVE received your favour of the 20th instant, which treats of different complaints against the authorities of St. Jago de Cuba.

Being informed of that, and after collecting together all the proceedings which are in this office on the various particulars of which it treats, I yesterday referred it to the Honourable the Counsellor of War of this Government, that he should advise me, which I have the pleasure to communicate to you in a provisional answer, with the reservation of giving a definite reply, as soon as that magistrate can furnish me with what I am to communicate.

God preserve, &c.

(Signed) JOAQUIM DE ESPELETA.

*The Commander of the English
corvette of war "Comus."*

Sub-Enclosure E. in No. 66.

(Translation.) *The Captain-General to Commander Cary.*

I HAVE this day consulted the Honourable the Counsellor of War as follows:—

Most excellent Sir,—In the official letter of the 20th instant of Mr. P. Cary, subject of Her Britannic Majesty, which, being translated, you have been pleased to pass to the Etuditor, with various former ones relative to the subject, satisfaction is prayed for various complaints against the authorities of Cuba, which he puts forth with correspondent separation, and with which also the Etuditor will treat on every one of them.

The first complaint refers to the authorities of Manzanillo, in this island, having seized the schooner "Antæus," without her having absolutely in the least infringed on the laws of this country, and on which he gave notice on the 15th day of last

May, of which the Captain-General has not any knowledge, as I made manifest in answer of 16th of the said month of May, and concerning the actual state of things, he has begged information on the 19th June following from the Military Commandant of Manzanillo, after having indicated the Commandant of Marine that he had no antecedent (notice) relative to the complaint of seizure.

In the second, about the delays which have occurred in the punishment of an individual who assassinated a sailor of Her Majesty's brig "Ringdove," of which proceedings the Marine Tribunal is aware, from the guilty person being a sailor of the Spanish brigantine "Intrepid," as information was made by the Military Governor of the Plaza of Cuba in his official (note) of the 17th of last month to the Commander of the brig "Ringdove."

The third is about the imprisonment of Mr. Potts, who took refuge in the harbour, having been driven by winds from the coast of Jamaica, in a little boat, in which he was cruising merely for pleasure, remaining in prison about one month, and for which detention indemnification of 500 dollars is demanded.

Upon this particular an expedient was formed in the military Government of Cuba, and they have held various altercations with the Consul and the Commander of the schooner "Pickle," you having on the 6th current confirmed the arrangement for that Government in the summary, and approved the conduct which they observed in their communications.

In the fourth is called for, the indemnification of 190 dollars for the captain and crew of the vessel "Sarah Ann," as compensation for the detention of their vessel and imprisonment of the crew, who were men of colour, but innocent and respectable, without having committed any breach against the laws of Spain, and only by an order emanated from the pleasure of your predecessor for the prohibition of coloured strangers entering the harbours of this island. There was formed, as well as the Etuditor can recollect, a particular expedient, on which there were complaints of the British Consul, and respective communications that took place about it, and in which were presented various sovereign arrangements, and the state of circumstances of this island, and the attempts of societies established in various foreign countries, and even in the case of which the order sprung by your predecessor's will. It is not to the Commander of Her Britannic Majesty's corvette "Comus" that it belongs to make such a declaration, since he knows not how far the powers given to Captains-General of this Isle by Her Catholic Majesty extend.

The fifth and last is concerning the schooner "Red Rover," detained in the port of Cumberland, on her voyage from Falmouth to Crooked Island, and, with only the report which is made, the Etuditor does not think that a proceeding could have been formed in the tribunals of this isle: for all which he argues that you cannot even now take any cognizance of the antecedents from which spring the first and fifth complaints, nor being the superior to whom it belongs to decide in the other three; and, to avoid other demands, that notice be given to Her Majesty on the first opportunity, with testimony of this expedient, that it may be well determined, communicating this judgment, if it should meet your approval, to the Commandant of Her Britannic Majesty's corvette "Comus," in answer to his said letter of the 20th current.

And in compliance with this opinion, I transcribe it to you, in answer to your repeated communication in the opinion that I give an account of it to my Government.

May God, &c.

(Signed)

JOAQUIM D. ESPELETA.

The Commander of Her Britannic
Majesty's corvette "Comus."

24th July, 1838.

Sub-Enclosure F. in No. 66.

Mr. John Campbell, Jun., to Viscount Palmerston.

The Memorial of John Campbell, Jun., of the Island of Jamaica,
RESPECTFULLY SHEWETH,

That your Memorialist, in the month of September last, at the instance and advice of Her Majesty's Consul at St. Jago de Cuba, addressed a memorial

to your Lordship, submitting to your Lordship's notice an account, for most wanton and barbarous outrage committed on the person of your Memorialist, by certain sub-officials and others, of the Island of Cuba, which was accordingly forwarded by Her Majesty's Consul, and a duplicate of the same by your Memorialist from Jamaica, which your Memorialist having, until the present time, remained without information upon, respectfully but most earnestly begs leave again to submit to your Lordship's consideration and review as follows :—

That your Memorialist, after shipwreck among the Bahamas, obtained a passage in the captured Portuguese slaver "*Antonia*," under the command of Lieutenant Hunt, of Her Majesty's Navy, from Nassau, New Providence, at which port the Africans had been disembarked, and was landed from the above vessel at Cape Cruz, in the Island of Cuba, from whence your Memorialist proceeded on to the town of Manzanillo, in the said island, where he immediately presented himself before the authorities of the said town.

That on the same, a passport was demanded from your Memorialist, to which your Memorialist replied, having on inquiry been informed that there was no Spanish or other officer at Nassau, New Providence, empowered to grant passports, no such officers having been appointed in any of the West India Islands at that period; that your Memorialist came to the conclusion, that if any passport was required, which the usual courtesy among nations does not insist upon in the case of an individual landing from a national vessel, the "*Antonia*" being then on public service; that the Royal Commission, as an officer in the militia of Jamaica, which your Memorialist had the honour to bear, would have been a document satisfactory to the authorities of the island.

That your Memorialist formally presented that commission to the authorities of Manzanillo, by whom it was received with the grossest insult and contempt; your Memorialist was then denounced as a British spy, and as an emissary of the Anti-Slavery Society, and was hurried away by an armed body of men to the town jail, the authorities having rejected the offer of some British merchants of the town to stand security for your Memorialist, also the offer of your Memorialist himself to leave the island.

That your Memorialist was imprisoned for the space of nearly five weeks in the said jail, under the most aggravated sufferings, exposed to the insults and blows of a lawless soldiery, the associate of convicted criminals, and unprovided, save with bare walls and a filthy ground floor for his lodgings. That, during the whole of the above period, your Memorialist was never brought forward to meet any charge or accusation, and failed, after the most earnest remonstrances, to procure even the slightest alleviation to his suffering situation.

That your Memorialist appealed to Her Majesty's Consul at St. Jago de Cuba for protection, under the most arbitrary outrage on the person of a British subject; and your Memorialist has every reason to believe that the exertions of Her Majesty's Consul were prompt and energetic, however unavailing, through the infamous trickery and deception of the Spanish authorities.

In order to evade the interference of Her Majesty's Consul, who had already demanded and obtained an order for his release, your Memorialist was ordered by the authorities of Manzanillo to be conducted across the interior of the Island to St. Jago de Cuba, under an escort of military, while suffering both in health and body from the consequences of his cruel and unjust confinement.

Your Memorialist cannot omit here to state his solemn belief, that the aim and object of this compulsory journey was indirectly and diabolically to destroy the life of your Memorialist, by the effects of protracted fatigue, sickness, and unwearied acts of barbarity and outrage.

At the interior city of Bayamo, your Memorialist, being in a perfectly helpless condition of body, was thrown into a dungeon of the most revolting nature, and told that a British frigate could not come there to his release, in which place, impervious to light or air, your Memorialist was kept three days and nights, under the most intense suffering from hunger and thirst, neither meat nor drink having been supplied to him.

That your Memorialist, almost bordering upon a state of dissolution, was carried from thence to the village of Jignuani, when a repetition of these inhuman acts took place; your Memorialist being again consigned to a filthy and dismal cell, for the space of two days and nights, unprovided with either food or water.

That your Memorialist eventually, after a journey purposely extended over a

period of eleven days, but which could easily have been travelled in four days, was carried into the city of St. Jago de Cuba, at which place, although Her Majesty's Consul resided on the spot, he was again placed in the public jail, and detained there three days and nights, among abandoned criminals, unknown to Her Majesty's Consul, and unprovided with food.

That Her Majesty's Consul, having at length received information of your Memorialist's situation, but not from the authorities of the city, immediately demanded your Memorialist's release, which was granted, but attended by an order for his immediate deportation from the island, which, under protest, and by the advice of Her Majesty's Consul, your Memorialist submitted himself to.

That the authorities of St. Jago de Cuba, on the official demand of Her Majesty's Consul, unconditionally admitted that your Memorialist was guiltless of offence either by word or deed, with the single and accidental exception of his not having been provided with a passport, for which offence, if under the circumstances it may be so termed, has your Memorialist been subjected to the infliction of punishment barely short of death, attended by a series of the most wanton and brutal atrocities; while to close this outrage in a manner worthy of its commencement, your Memorialist is sentenced to a compulsory deportation from the island, at a most ruinous sacrifice to his pecuniary interest.

Your Memorialist, on his return to Jamaica, and as soon as the debilitated and crippled state of body to which he had been reduced by his unfeeling persecutors in Cuba would permit, laid the circumstances of his case before His Excellency Sir Lionel Smith, upon which His Excellency forwarded your Memorialist's letter to Her Majesty's Consul-General at the Havana for inquiry, who stated, in his last communication to His Excellency that he had not yet received a reply from the Spanish Authorities respecting your Memorialist's case, although a period of at least eight months had elapsed. Your Memorialist is also in possession of a communication from His Excellency the Governor's Secretary, of date 15th November, 1837, in which the Secretary states that His Excellency had received a reply from Her Majesty's Consul at St. Jago de Cuba respecting your Memorialist's case, in which His Excellency finds, that Her Majesty's Consul at St. Jago had exerted himself as far as he could to obtain your Memorialist's release, and redress for the maltreatment which he had suffered, but without success; and that Her Majesty's Consul had thereupon represented your Memorialist's case to your Lordship for further instructions.

Your Memorialist now respectfully and confidently submits to your Lordship the above details of this inhuman and arbitrary outrage.

Your Memorialist has been clearly marked out by certain authorities in Cuba as the devoted victim, on whom was to be visited those feelings of wrath, indignation, and hostility which exist throughout that island, at the present moment, against the liberal and just policy of Great Britain towards her late slave population in the West Indies; this fact alone is the key to an otherwise inexplicable and unparalleled occurrence. Your Memorialist has been suffering for several months since his release, on a bed of sickness; rheumatic affections, from the nature of his imprisonment, have deprived him temporarily of the use of his limbs, the effect of which, with blows and other violence inflicted on him, must attend him to his grave; the expenses to which he has been subjected have been very heavy, whilst the deportation to which he has been sentenced, out of the pure wantonness of oppression, has been attended with the most serious and ruinous consequences to your Memorialist.

Your Memorialist now earnestly prays, that your Lordship may be pleased to direct such proceedings in your Memorialist's case, as may be found necessary to enforce the award of such compensation and redress to your Memorialist, as may appear to your Lordship as commensurate with the heavy losses and aggravated sufferings, to which he has been so unjustly and arbitrarily exposed.

And your Memorialist, &c.

(Signed)

JOHN CAMPBELL, Junr.

Montpelier Pen, Montego Bay, Jamaica.

Sub-Enclosure G. in No. 66.

UNTO HIS EXCELLENCY SIR LIONEL SMITH, K.C.B.

The Memorial of Henry Potts, of the City of Kingston, in the said Island,
Gentleman, and late a Prisoner in the Town of St. Jago de Cuba.

HUMBLY SHEWETH,

That your Memorialist became such prisoner under the following circumstances:—Being a clerk in the counting-house of the highly-respectable mercantile firm of Messrs. Atkinson, Hozier, and Co., of Kingston, and, as a short relaxation from business, your Memorialist, on the 12th of April last, proceeded on an aquatic excursion, along the coast, towards the east end of the island, in a small pleasure-boat of his own, named the "Venus," about three tons burthen, sloop-rigged, and manned by two negro men and a boy, visiting his friends at the several intermediate ports on his way, provided with but a very limited stock of provisions for the few days' intended duration of the trip. The only arms or warlike instruments on board were your Memorialist's militia rifle and bayonet, and a pair of small pocket pistols, with the requisite but very moderate quantum of powder and shot for sport on the way, and having nothing whatever of a contraband nature, or cargo of any sort, other than his personal luggage, on board, and the very diminutive size of the boat, and the character and appearance of the four individuals on board, and without a knowledge of the Spanish language, thereby rendering mistrust or unworthy suspicion of them altogether impossible.

That, when off the east end of the island, on the evening of Monday the 16th, the weather suddenly became squally, and blew so strongly from land, aided by a rapid current, against both which they were unable to contend, as to carry them far out to sea, beyond sight of the island.

That your Memorialist continued three days at sea, under close-reefed sails, out of sight of land, devoid of charts and nautical instruments, and with only a compass, of which, unused to maritime excursions as they all were, neither your Memorialist or his men could properly avail themselves; added to which they now became greatly in want of water and provisions.

That, on the fourth day, discovering a land to the northward, they eagerly steered for it, in order to procure those necessities; the trifling stock they had at first put on board (not contemplating so extended a voyage) being at length entirely expended; and your Memorialist and his men, from hunger, anxiety, and fatigue, became greatly exhausted. After nearly two days' longer sail, they at length reached and anchored off a port to them then unknown, but which proved to be St. Jago de Cuba; exhausted as they were, however, a strong north wind prevented their entrance into port for twenty-four hours longer, during which period, being in full view of the fort commanding the mouth of the harbour, they were visited by the reporting officer in a Government boat, to whom they fully explained the necessitous circumstances under which they had approached, and, anxious to return immediately to Jamaica, earnestly implored so moderately adequate a supply of food and water as would enable them to do so without landing in Cuba, your Memorialist assuring the officer that whatever provisions were hospitably furnished would be gratefully repaid. The requested assistance, however palpable and urgent as the necessity of it was, to the disgrace of humanity, not to say Christian charity of civilized men, was peremptorily refused, and not the slightest aid afforded nor sympathy evinced, notwithstanding their having intimated to the Spaniard who had boarded them, their having been reduced to the greatest extremity for water for sixteen hours.

That, being at length permitted to enter the port on the morning of the 22nd April, your Memorialist, instead of meeting with that hospitable reception which his exhaustion so greatly required, was conducted to the quarantine ground, where he was ordered, in the most imperious insulting manner, to anchor his little vessel; on complying with which, and being now at length reduced to extremity with hunger and thirst, he once more earnestly solicited hospitality, and that his urgent necessities might be communicated to the authorities and promptly relieved. His request was strongly refused, and as if to add insult to injury, he was forbidden even at his peril to communicate with or solicit aid from any passing boat, although your Memorialist confidently assures your Excellency that, with the exception of the evident exhaustion from hunger, exposure to the weather, and extreme fatigue, there was nothing to indicate disease or to create the least doubt or alarm, so as to

afford the least pretext for so cruel a precaution, nor anything of a suspicious character about your Memorialist or his negro sailors, to cause the slightest misgivings on the part of the St. Jago authorities as to the object of their visit, nor anything rude or unbecoming in their manner, to justify the barbarous treatment which they met with. It was self-evident that they had been exposed to the severest privations; but, instead of the humane relief they had so gladly and confidently anticipated, hospitality was denied them. In this wretched condition were your Memorialist and his sailors detained, and kept aloof from the smallest relief, for a space of thirty-six hours longer, during which time no doctor of medicine visited the boat to satisfy himself of our condition, and that there were grounds for such extreme precaution, so that if we had been at sea a day or two longer than we had been before reaching St. Jago, we might have perished in the very harbour of that place, under the immediate eye of its Government, in close vicinity to the town, and surrounded by shipping, from pure inanition, although the Government could not plead ignorance of our situation, inasmuch as during the interval we had been visited by no less than three different Government boats, to whose respective officers your Memorialist gave an explicit account of himself, and of the circumstances under which he had arrived there, and in the most emphatic terms appealed to their humanity, but without effect; neither water nor provisions were put on board.

Your Memorialist's vessel was, late in the evening of the 23rd, seized, and taken forcible possession of by two Spanish seamen, placed on board, who brought her to the head of the harbour, and moored her alongside a Spanish schooner of war.

That your Memorialist was then compelled, in the most haughty and insulting manner, to quit the vessel with his three seamen and luggage, and was carried by a Government boat to the quay, where they were immediately arrested by order of the Government, and conveyed under a military escort to prison; during whose incarceration Her Britannic Majesty's Consul, Mr. John Hardy, tendered security to any amount the Government might name, for your Memorialist's release: not the least attention or courtesy was shown him, and your memorialist remained in confinement, suffering all the privations of a criminal, and treated as a felon, subjected to the ignominy and odium of a common jail, and totally deprived of every social comfort, for a period of twenty-eight days, until reluctantly released through the generous and manly interference of Lieutenant Hoste, of Her Majesty's schooner "Pickle," whom your Excellency had the goodness to despatch to their rescue; whose zeal and determination of purpose to execute his commission was so manifest, as to leave the authorities of St. Jago no alternative but the surrender of their prisoners, and the deliverance of your Memorialist's boat and luggage, under feelings so base and treacherous, that would have branded with lasting disgrace a more enlightened nation.

That during his detention in prison, your Memorialist was exposed to the greatest indignities; and, from the want of ventilation to his filthy prison-room, and close confinement, together with his wounded feelings, has seriously affected his health and constitution; and on his return to Jamaica he unfortunately found that by his protracted absence his situation had been filled by another, through which he has not only lost an employment wherein he was rapidly advancing, but his future prospects in life have been thus suddenly injured and blighted. Thus, by the unjustifiable, if not wanton conduct of the St. Jago Government, a British subject, driven by stress of weather upon their coast, and claiming their hospitality and protection, was treated in the above relentless and brutal manner; and at the time when there was no civil war or internal disturbances in Cuba; when Spain was on amicable terms with Great Britain; and contrary to the acknowledged principles of international law, as well as to the friendly and liberal relations, which had ever heretofore subsisted between the two islands.

That your Memorialist begs most respectfully to submit to your Excellency, on the first legal authorities, that his case comes expressly under the law of reprisal, inasmuch as he did not fly with his vessel from this island to avoid confiscation or other legal proceedings whatever, but was driven by stress of weather into St. Jago; and that, as not the slightest suspicion could reasonably have been entertained as to your Memorialist's motive or object on his arrival at that port, which it was self-evident was to be attributed alone to stress of weather, and consequently that no embargo or arrest could legally be enforced against either your Memorialist or his vessel, and consequently that they have subjected themselves to your Memorialist's just claim to reasonable indemnity.

And your Memorialist, as in duty bound, will ever pray.

CLASS B.

O

Sir George Villiers to Viscount Palmerston.—(Received November 19.)

MY LORD,

Madrid, November 10, 1838.

I HAVE the honour to enclose to your Lordship the copy and translation of a Royal Order, which has been issued by the Minister of Marine, and which was published in the *Madrid Gazette* of the 4th instant, directing the Captain-General, and other authorities of the Island of Cuba, to exert the utmost vigilance to prevent any infraction of the Treaty of 1835 between Great Britain and Spain, for the suppression of the Slave Trade.

I have, &c.

(Signed)

GEORGE VILLIERS.

*The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.*

Enclosure in No. 67.

(Translation.)

Madrid Gazette, 4th November, 1838

Ministry of Marine, Commerce, and Colonies.—Royal Order.

MOST EXCELLENT SIR,

IT having come to the knowledge of Her Majesty the august Queen Regent that, in contravention of the orders on the subject, and of the principles of humanity and of public convenience, with infraction of the treaties lately concluded with the Government of Her Britannic Majesty, and placing in danger the principal interests of that precious island, clandestine introductions of black slaves have been made at some places, Her Majesty, who takes the greatest interest in the security and prosperity of the worthy inhabitants of that rich colony, and who is convinced of the urgent necessity of putting a stop to such an abuse, which may give rise to evils of the greatest transcendancy, has been pleased to resolve that your Excellency shall apply the strongest zeal in dictating the necessary measures for preventing this deplorable contraband, obliging the local authorities to prosecute with energy those who are engaged in it, and bring the perpetrators before the competent tribunals for their exemplary punishment.

I communicate this to your Excellency by express royal order for your information, and by the same I also send a copy to the naval commander of the station, in order that he may contribute, with the forces under his command, towards carrying into effect the beneficent wishes of Her Majesty.

God preserve your Excellency, &c.

Madrid, 2nd November, 1838.

(Signed) PONZOA.

No. 68.

Sir George Villiers to Viscount Palmerston.—(Received November 19.)

MY LORD,

Madrid, 10th November, 1838.

WITH reference to Lord William Hervey's despatch of the 6th ultimo, I have the honour to enclose to your Lordship the copy of a note, which I have addressed to the Duke de Frias, in consequence of the receipt of information from Her Majesty's consul at Cadiz, that the "*Emprendedor*" had been allowed to sail from that port, after having been preparing for a slave voyage.

I have, &c.

(Signed)

GEORGE VILLIERS.

*The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.*

Enclosure in No. 68,

Sir George Villiers to the Duke de Frias.

SIR,

Madrid, 9th November, 1838.

ON the 4th ultimo Lord William Hervey addressed a note to your Excel-

lency, stating that there was reason to apprehend that the Spanish brig, "*Emprendedor*," was preparing in the port of Cadiz for a new voyage.

It is with much regret that I have now to acquaint your Excellency, that that vessel actually sailed from Cadiz on the 25th ultimo. Her departure was not announced in that day's maritime list of arrivals and departures; but on the 27th she was described as having cleared out in ballast for Cumaná. She had, however, a small cargo on board, such as is adopted in barter for slaves.

She had not all the equipments of a slave vessel, but it is understood that she is to be completely fitted up for that prohibited traffic in the Cape de Verd Islands.

Besides the "*Emprendedor*," three other vessels, the "*Vencedora*," the "*Veloz*," and the "*Marinero*," have, in the course of this year, been denounced by this mission to the Government of Her Catholic Majesty as being in the act of preparing for slave voyages in the port of Cadiz, and in each case the Spanish Government have been earnestly requested to take prompt measures, for preventing so scandalous a violation of the engagements of the treaty of 1835, in one of the principal ports of Spain; but I much regret to say that in every case the remonstrances of this mission have been unavailing, each of the vessels in question having been allowed to pursue their voyages unmolested.

It is impossible for me to believe that it is the deliberate intention of the Government of Her Catholic Majesty to violate the solemn engagements of treaties, by which they are bound to employ every means in their power for the effectual suppression of the inhuman traffic in slaves. But the conduct of the subordinate authorities is such as to leave no doubt of the fact, that they afford protection to persons engaged in that illegal trade. No answer has hitherto been received from the authorities of Cadiz upon the subject of the "*Emprendedor*," although they were ordered to report upon it on the 8th ultimo, and similar orders were sent to them on the 15th and 21st of July last relative to the "*Marinero*," which have been alike unproductive of any explanation.

The order lately issued by the Minister of Marine, and published in the "*Madrid Gazette*" of the 4th instant, can only be viewed as affording evidence of the sincere desire of the Spanish Government to compel the authorities of Cuba to fulfil the stipulations of the treaty of 1835: and it cannot be supposed that at the moment when the Government are manifesting their anxiety to carry into execution the provisions of that treaty in a distant colony, they will permit their subordinate authorities openly and shamefully to violate them under their own eye, and in the principal port in the kingdom; and I feel confident that your Excellency will see the propriety of at once vindicating the honour and good faith of the Spanish Government, by disapproving the conduct of those authorities, and bringing them to a strict account for it, and by taking, at the same time, such measures as shall effectually prevent the practice of permitting vessels, known to have been engaged in the Slave Trade, to prepare for a fresh voyage in the port of Cadiz.

I have, &c.

(Signed) GEORGE VILLIERS.

The Right Hon. Viscount Palmerston, G.C.B.

&c. &c. &c.

No. 69.

Viscount Palmerston to Sir George Villiers.

SIR,

Foreign Office, November 24th, 1838.

I HAVE received your Despatch, marked Slave Trade, of the 10th November, 1838, and I have to acquaint you that Her Majesty's Government highly approve of the language which you held to the Spanish Government, in the note which you addressed on the 9th of November, 1838, to the Duke de Frias, on learning that the "*Emprendedor*" had been allowed to sail from Cadiz, after having made preparation for a slave-trading expedition.

I am, &c.

(Signed) PALMERSTON.

To Sir George Villiers, G.C.B.,

&c. &c. &c.

Sir George Villiers to Viscount Palmerston.—(Received November 27.)

MY LORD,

Madrid, November 17, 1838.

AGREEABLY to the instructions contained in your Lordship's Despatch marked Slave Trade, of October 26, relative to the manner in which the cases of the "*Principeño*," "*Esplorador*" and "*Irene*" have been investigated by the Spanish authorities in Cuba, I have addressed to the Duke de Frias a note, of which I have the honour to enclose a copy to your Lordship, proposing that the Court of Mixed Commission at the Havana shall have power to call before it, and examine, all persons suspected of being engaged in the Slave Trade.

I have, &c.

(Signed)

GEORGE VILLIERS.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

Enclosure in No. 70.

Sir George Villiers to the Duke de Frias.

SIR,

Madrid, November 14th, 1838.

WITH reference to the notes addressed to Count Ofalia and your Excellency by Lord William Hervey on the 13th August and 11th of September last, upon the subject of the alleged importation of slaves into Cuba, by the "*Principeño*," the "*Esplorador*," and the "*Irene*," I have now the honour to enclose to your Excellency copies of three Despatches, which have been received by my Government from Her Majesty's Commissioners at the Havana, relative to the manner in which these cases were investigated by the Spanish authorities.

I have also the honour to enclose a copy of a Despatch, which has been addressed by Viscount Palmerston to Her Majesty's Commissioners at the Havana, and by which your Excellency will perceive that his Lordship has fully approved of the observations, which the British judge addressed to the Captain-General, upon the conduct of the subordinate authorities, who were intrusted with the investigation of these cases.

I have received instructions to communicate these papers to the Spanish Government, and to point out to your Excellency that there can be no hope that the importation of slaves into Cuba will be suppressed, until an entire change is effected in the course at present taken for the examination of Slave Trade transactions; and, as experience has shown, that, however positive may have been the orders issued by the Government at Madrid, the local authorities have not conducted investigations of this nature faithfully and truly. I am further instructed to propose, that power shall be given to the Mixed Court of Commission established at the Havana, to call before it parties suspected of being engaged in the Slave Trade, and to subject them to the same course of examination which ought to be carried on by the administrative officers of the Colonial Government, but which is wholly evaded and omitted by these officers.

I have, &c.,

(Signed)

GEORGE VILLIERS.

To His Excellency the Duke de Frias,
&c. &c. &c.

No. 71.

Sir George Villiers to Viscount Palmerston.—(Received December 10th.)

MY LORD,

Madrid, 1st December, 1838.

WITH reference to my Despatch marked Slave Trade, of the 10th ultimo, enclosing the copy of a representation which I addressed to the Duke de Frias, in consequence of the receipt of information from Her Majesty's Consul at Cadiz, that the "*Emprendedor*" had been allowed to sail from that port, after having been preparing there for a slave voyage, I have now the honour to

enclose to your Lordship a copy and translation of the note, which I have received from His Excellency in reply.

I have, &c.

(Signed) GEORGE VILLIERS.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

Enclosure in No. 71.

(Translation) *The Duke de Frias to Sir George Villiers.*

SIR,

Madrid, November 22, 1838.

ON the 8th October last I had the honour to acquaint Lord William Hervey that on the 5th of that month I had written officially to the political chief of Cadiz, by command of Her Majesty the Queen Regent, directing him to report to the office under my charge, on the subject of the contents of his Lordship's note, relative to the suspicions which he entertained with regard to the Spanish brig "*Emprendedor*," laying in that port, and the answer of the said authority having been received, I have the honour to inform you that the political chief, as soon as he received the above royal order, proceeded with the greatest secrecy to inquire into the subject, and the vessel having been searched, she was not found to have on board water casks, wood for platforms, cabooses, boilers, or other vessels, handcuffs, chains, or any other articles which could give grounds to suspect that the object of her voyage was that which had been indicated, stating the great difficulties which the authorities have to contend with in preventing the illicit traffic in slaves, for if any vessel is fitted out, either at Cadiz or any other point of the Peninsula with that object, it is always done with the greatest reserve, trying to deceive the vigilance exercised for its prevention, and for that purpose adopting the medium of taking on board at sea the requisite utensils and effects. Nevertheless, the political chief assures me, that in the fulfilment of his duty and of the royal orders in force, he will continue to exercise the greatest vigilance with respect to suspicious vessels, and will endeavour, as far as in him lies, to put a stop to that reprobated traffic.

I have likewise the honour to inform you, that I have not lost a moment in communicating to the same political chief of Cadiz the contents of the fresh note which you were pleased to address to me, dated the 9th instant, respecting the sailing of the "*Emprendedor*" from the said port, and the other incidents which you mention, directing him by Her Majesty's commands to report with the least possible delay on the subject, and to communicate to me the result of his investigations, and of the measures which he may have consequently thought fit to adopt.

I avail myself, &c.,

(Signed) THE DUKE DE FRIAS.

To Sir George Villiers,
&c. &c. &c.

No. 72.

Sir George Villiers to Viscount Palmerston.—(Received December 10th.)

MY LORD,

Madrid, December 1st, 1838.

IN conformity with the instructions, conveyed to me in your Lordship's Despatch marked Slave Trade, of the 13th ultimo, relative to several cases of cruel treatment and injustice which British subjects have suffered at the hands of the Spanish authorities in the Island of Cuba, I have addressed a note to the Duke de Frias, of which I have the honour to enclose a copy to your Lordship.

I have, &c.

(Signed) GEORGE VILLIERS.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

Enclosure in No. 72.

Sir George Villiers to the Duke de Frias.

Sir,

Madrid, November 26th, 1838.

I HAVE the honour to enclose to your Excellency copies of a correspondence which has passed between Captain Cary, of Her Majesty's ship "Comus," and General Espeleta, containing statements of several cases in which British subjects have suffered unjustifiable, harsh, and cruel treatment, in person and in property, from the Spanish authorities in the Island of Cuba.

The first case stated in these papers, is that of the sloop "*Antæus*," which was detained by the authorities at Manzanillo. In this case it appears to have been proved before the Spanish Courts, that the detention of the vessel was illegal and unjust, yet no compensation was made to the Captain or Owner; and the only answer returned by the Captain-General, to repeated complaints on the subject, has been, that he has not yet obtained a report upon this case from the authorities of Manzanillo.

The second case is that of the assassination of a seaman belonging to Her Majesty's ship "Ringdove," Punishment of the offender has been demanded, and the answer which is returned is, that the murder is acknowledged to have been committed; and that the Marine Tribunal are aware of the name and condition of the assassin, who appears to be a sailor of the Spanish Brigantine "*Intrepid*." But no step has yet been taken by the Government of Cuba for bringing the criminal to justice.

The third case is that of Mr. Potts, Clerk to a Merchant in Jamaica; who, while making an excursion for pleasure in a small boat from thence, was driven by stress of weather to the Island of Cuba, was there arrested, detained in prison nearly a month, and subjected to severe privations and cruel treatment while in prison.

I have the honour to enclose the translation of the memorial of Mr. Potts, to the Governor of Jamaica, from which your Excellency will perceive that that Gentleman was sailing for his pleasure off the coast of Jamaica, when he was driven out to sea on the 16th of April by tempestuous weather; that he was three days out of sight of land, at the end of which time, he had completely exhausted his stock of provisions and water; that on the fourth day, discovering land to the northward, he eagerly steered for it, in order to procure those necessities; that on making the land he discovered it to be St. Jago de Cuba, but that he was not only refused permission to enter the harbour for the space of twenty-four hours, but was not even allowed to purchase a supply of food or water, from want of which he and his crew, consisting of three men, had already been exposed to great sufferings, and that when, at the expiration of that time, he was suffered to anchor at the Quarantine ground, he was still prevented from obtaining any relief for a further period of thirty-six hours, making in all sixty hours, during which he and his crew were wantonly subjected to endure all the tortures of starvation and thirst; the vessel was then seized, and Mr. Potts and his crew taken ashore and cast into prison, where he was detained twenty-eight days.

To this case it is my duty to call the special attention of your Excellency, as it is one of unparalleled hardship and of brutality on the part of the authorities of St. Jago de Cuba, which could scarcely have been exceeded by a people of savages, and which reflects disgrace upon the agents of a civilized nation. I am convinced that the simple statement to your Excellency of the circumstances above detailed, will be sufficient to ensure to Mr. Potts immediate and ample redress for the maltreatment which he has experienced.

Mr. Potts was only released from confinement upon the demand of Lieutenant Hoste, of Her Majesty's ship "Pickle," who was expressly sent to St. Jago de Cuba, by the Governor of Jamaica, to effect that purpose. But his health was much injured by the sufferings he underwent, and he lost his situation in Jamaica owing to his protracted absence from thence.

Five hundred dollars were demanded as a compensation to this gentleman. The sum appears very small, but the only reply which can be obtained to the complaint is, that a discussion on the subject has taken place between the local Government, and the British Consul and the Commander of Her Majesty's ship "Pickle."

The fourth case is the detention of the sloop "Sarah Anne," and the imprison-

ment of her crew, the crew of this vessel were thrown into prison, and confined with felons under sentence of death, no cause or excuse for this treatment being assigned, excepting that the crew were men of colour.

One hundred and ninety dollars have been claimed as a compensation for the detention of this vessel and her crew, and even this inconsiderable amount is withheld. The reply of the Captain-General is a mysterious allusion to a power or authority which applies to cases like the case in point, and which the Captain-General has received from the Sovereign authority in Spain.

The fifth case is that of the seizure of the schooner "Red Rover," which put into Cumberland Harbour in her way from Jamaica to Crooked Island. She was seized at the former place, and, being sold, the proceeds were distributed among the captors.

The answer first given to the complaint on this case was, that the vessel had been condemned, and that appeal must be made to a higher Court. But the owner has no means to pursue his rights at law; and the complaint having been transmitted to the Captain-General, the answer of that officer was, that he did not believe that such a proceeding as was represented had actually taken place in the tribunals of the island.

In addition to the preceding cases, I have to request once more your Excellency's attention to that of Mr. John Campbell, respecting which I addressed a note to Count Ofalia on the 26th of January last, and Lord William Hervey made a renewed application to your Excellency on the 1st of October last. It is unnecessary here to repeat the details of this case as they have been already fully stated. But it is one in which the conduct of the Spanish authorities has been most outrageous, and in which the sufferings of the individual who was the victim of it, call loudly for compensation. The Spanish Government have not yet given any reply to my representation, further than that they had desired the Captain-General of Cuba to report upon the case.

These acts of injustice and cruelty committed by the authorities of Cuba against the persons and property of subjects of the Queen, my Sovereign, cannot be permitted to pass without redress.

I have accordingly received instructions immediately to present a note to your Excellency, stating the above-mentioned cases of complaint, and the just expectation of my Government, that full and immediate compensation will be made by the Government of Cuba to the much-injured British subjects, whose cases I am instructed to bring under the notice of the Government of Spain; and I am further to express the hope of the British Government, that it may thus be relieved from the disagreeable necessity of obtaining redress through the Admiral commanding on the West India station.

I have, &c.

(Signed)

GEORGE VILLIERS.

To His Excellency the Duke de Frias,
&c. &c. &c.

No. 73.

Viscount Palmerston to Sir G. Villiers.

SIR,

Foreign Office, December 12, 1838.

I HAVE received the Dispatch from Lord William Hervey, marked Slave Trade, of the 8th of September last, enclosing a communication from Count Ofalia, in answer to the demand made by Her Majesty's Government for an adequate punishment upon Lieutenant Cruz, of the "*Teresita*," for having endeavoured to defeat the object of the treaty concluded between Great Britain and Spain for the suppression of the Slave Trade, and for having protected from capture and condemnation a vessel which was at that very time fitted out on a Slave Trading expedition.

Count Ofalia states, in his answer, that the Government of Her Catholic Majesty has given orders, that Lieutenant Cruz shall be severely reprimanded.

You will state, in a note to the Spanish Government, that her Majesty's Government is of opinion, that the reprimand thus given to Lieutenant Cruz is an inadequate mark of the disapprobation felt by the Spanish Government at his conduct.

It is impossible for any impartial person, looking at the circumstances of

the transaction, to entertain the slightest doubt, that Lieutenant Cruz was on that occasion acting in connivance with the Slave Traders; that he violated his duty, and misused the authority which had been given him; and that, instead of doing his best to detect Slave Traders and to bring them to justice, he resorted to fraudulent pretences in order to screen them from punishment.

Her Majesty's Government are well satisfied, that the Government of Madrid is most desirous to fulfil the engagements entered into by the Spanish Crown, by the Treaty of 1835, and to put down the Slave Trade; but the Spanish Government ought not to conceal from itself that, if misconduct such as that, of Lieutenant Cruz on the occasion in question is allowed to pass unpunished, neither the world at large nor the persons engaged in Slave Trade will believe that the Government of Spain is sincerely co-operating with that of Great Britain for the suppression of this crime.

If a British officer had behaved in a manner similar to that in which Lieutenant Cruz is acknowledged to have conducted himself, he would have been superseded from the command of his ship.

You will therefore express the expectation of Her Majesty's Government, that Her Catholic Majesty's Government will, on reconsideration, feel it right to pursue the same course with respect to Lieutenant Cruz.

I am, &c.
(Signed) PALMERSTON.

Sir George Villiers, G.C.B.,
&c. &c. &c.

No. 74.

Viscount Palmerston to the Earl of Clarendon.

MY LORD,

Foreign Office, 31st December, 1838.

I HEREWITH transmit to your Lordship copies of papers, which I have received from the Secretary of State for the Colonies, stating that applications had been ineffectually made to the authorities at Cuba to obtain the restitution of a boy named "Wellington," who had been kidnapped from Jamaica in the year 1834, and sold to an individual in Cuba named Garcia.

I have to instruct your Lordship to communicate to the Spanish Government the circumstances attending the case of this boy, as detailed in the accompanying papers, and to express the confident expectation of Her Majesty's Government, that orders will be given by the Government of Her Catholic Majesty to the proper authorities in Cuba, to deliver up this boy to Her Majesty's Consul at St. Jago de Cuba, in order to his being restored to liberty.

I am, &c.

(Signed) PALMERSTON.

The Earl of Clarendon, G.C.B.,
&c. &c. &c.

Enclosure in No. 74.

Mr. Stephen to Mr. Backhouse.

SIR,

Downing-street, 13th December, 1838.

I AM directed by Lord Glenelg to transmit to you herewith a copy of a Despatch, with its enclosures, from the Governor of Jamaica, reporting the proceedings which had been adopted, ineffectually, to obtain the restitution of a boy named "Wellington," who had been kidnapped from Jamaica in the year 1834, and sold to an individual named Garcia, in Cuba; and I am to request that you will lay this Despatch before Viscount Palmerston, conveying to his Lordship Lord Glenelg's opinion, that the case is one which calls for the interference of Her Majesty's Government, and requesting his Lordship, should he coincide in that view of the case, to adopt such measures as may be necessary for liberating the boy from a state of slavery.

I have, &c.

To J. Backhouse, Esq.,
&c. &c. &c.

(Signed) JAMES STEPHEN.

Sub-Enclosure A. in No. 74.

Sir Lionel Smith to Lord Glenelg.

MY LORD,

The King's House, Jamaica, 31st October, 1838.

IN the course of certain investigations, which I requested the Attorney-General to institute in Kingston, relative to the kidnapping of some people of colour from Montego Bay, and their deportation to America, the case of a boy, named "Wellington," who was inveigled from the island in the year 1834, and sold to an individual named Garcia, in Cuba, was brought to my notice.

2. I enclose for your Lordship's information, copy of a letter from the Attorney-General, advising that the British Consul at St. Jago de Cuba should be applied to, to endeavour to obtain the restitution of the boy; copy of my letter to the Consul; as also copy of the reply which I have received from that officer.

3. These documents will be sufficient to place your Lordship in possession of the case; and as you will perceive that it is hopeless to expect the restitution of the boy through the local authorities of Cuba, I hope your Lordship will cause such steps to be adopted, as may attain this object through the intervention of the Government at Madrid.

Lord Glenelg,
&c. &c.

I am, &c.
(Signed) LIONEL SMITH.

Sub-Enclosure B. in No. 74.

Mr. D. O'Reilly to Mr. C. H. Darling.

SIR,

September 24th, 1838.

I HAVE to state, for the Governor's information, that it will be proper to apply to the British Consul at St. Jago de Cuba, directing him to take steps to have the boy Wellington released, and to refer him to the steps already taken there against those who entrapped him: those steps will, when examined, show his identity.

To H. C. Darling, Esq.
G. Sec.

I am, &c.
(Signed) D. O'REILLY.

Sub Enclosure C. in No. 74.

Sir Lionel Smith to Mr. Hardy.

SIR,

The King's House, Jamaica, September 28th, 1838.

IN the month of August, 1834, a boy named "Wellington" was taken from Montego Bay in this island, and carried in the schooner boat "*Martha*," commanded by a man named James, to St. Jago de Cuba, and there sold to a person named Garcia.

2. I do myself the honour to enclose the copy of a letter which was addressed to the Governor-General of Cuba by the Marquis of Sligo, in April, 1835, on the subject; but I have not been able to discover the affidavits, copies of which it would appear were transmitted in his Lordship's letter; or any reply from the Governor of Cuba to that communication.

3. Although, as I have been given to understand, arrangements were at that time made for restoring Wellington to his friends, recent occurrences have brought it to the notice of the Government that he is still detained in Cuba. Not doubting that the steps taken on this subject in the year 1835 are on record in the Consulate at St. Jago de Cuba, and that you will have no difficulty in tracing out the boy, I have to request that you will be pleased to adopt such means as may be necessary to obtain his immediate restitution.

I have, &c.
(Signed) LIONEL SMITH.

J. Hardy, Junr., St. Jago de Cuba.

Sub-Enclosure D. in No. 74.

Lord Sligo to General Tacon.

The King's House, Jamaica, 22nd April, 1835.

MOST EXCELLENT SIR,

I HAVE the honour herewith to transmit copies of two affidavits made by John Alford and John Thomas Anderson, relative to the deportation from this island of a lad named "Wellington," in August last, by one "James," Master of the schooner boat "*Martha*."

As it appears that a person named Garcia purchased the boy Wellington from the Master of the said schooner-boat, and that he is now at St Jago de Cuba, I am confident it will only be necessary to identify "Wellington" as the person described in the accompanying depositions, to induce your Excellency to give directions for his release from further slavery, and that he may be allowed to return to Jamaica.

I beg to assure your Excellency of the sentiments of the highest consideration with which

I have, &c.

(Signed) SLIGO, Governor and Captain-General of Jamaica.

His Excellency the Captain-General of Cuba.

Sub-Enclosure E. in No. 74.

Mr. Hardy to Sir Lionel Smith.

SIR,

British Consulate, St. Jago de Cuba, 30th October, 1838.

I HAVE the honour to acquaint your Excellency, that on receiving your letter of the 28th September, I immediately proceeded to address the Governor of the province, claiming the restoration of the lad "Wellington," as well as of two others of whom I received notice whilst making inquiry respecting him; and that I have received no further satisfaction than that contained in the answer of the Governor.

Commander Fraser of Her Majesty's ship "*Nimrod*," having since arrived, with instructions from Commodore Douglas to co-operate with me in procuring the liberation of "Wellington," we visited the Governor yesterday, in order to obtain information as to the present state of the proceedings of the case, and whether the parties detained could be placed at liberty within a specified time, and if not, what reasons could be given for the contrary.

The Governor commenced his replies by expatiating at a considerable length on the nature of his duties, and the attributes of the Assessor-General of the Crown, and stated that so soon as he received my application of the 9th October, he had referred it to that functionary, in whose hands the matter still rested. His Excellency also added, that the investigation would be a very protracted one, as the cognizance of the case had in the year 1834 been withdrawn from his predecessor's jurisdiction by the then Commandant of Marine, who had asserted that Garcia being matriculated for the sea-service could be judged by him solely, and as the creditors of Garcia had a voice in a measure which would tend to alienate a portion of his property. I immediately rejoined, that the kidnapped men could not be considered as property, but the Governor replied that by the Spanish law they were placed *prima facie* in that light. The conversation ended in his requesting Commander Fraser to address him on the subject, when his letter should be referred to the Assessor-General, who would report on the present state of the proceedings instituted in virtue of my original application.

Unfortunately, the affidavits were not sent to the Gentlemen who officiated in my absence in 1834 and 1835, as Her Majesty's Consul at this port, and from the tenor of the copy of the letter from the Marquis of Sligo, they would appear to have been transmitted to the Captain-General of the island direct. I have succeeded, however, in collecting from the licentiate Don Hilarico Cisneros Saco, who filled the office of Assessor-General during those two years, the following facts:—

It appears that in the year 1834 he received information, that a man of the name of Garcia had smuggled into the country two young negroes from Jamaica, with the intention of causing them to be sold. He ordered his immediate arrest;

the boys were examined, and it was clearly proved that he had enticed them on board his vessel, in some port on the north side of Jamaica, together with a third, who was left, by some means or other, behind. They were ordered to be deposited with the then protector of the slaves, Don Juan de Bautista Sagarra, to be delivered up whenever claimed. Garcia was liberated by the commandant of marine, and a summary of the whole case was transmitted to the Captain-General. This had scarcely been done, sufficient time had not even elapsed for the documents to reach the Havana, when a copy of the application from the Marquis of Sligo was sent here by the Captain-General himself, with an order that the matter should be thoroughly investigated. The identity of the boy was established, and immediately reported to the Captain-General; but as Don Hilario de Cisneros vacated his office shortly afterwards, I have been unable to obtain any further information than that the two are still in existence, and that on Mr. Sagarra being informed that the matter was in agitation, he had them brought down from his estate, to be in readiness to be handed over to me whenever he might be directed to do so. Garcia was some months back arrested on some information of another character, and is still in confinement; and it now appears that he never had been matriculated, and that the assertion to that effect of the then commandant of marines had been boldly made in order to extricate him from his dilemma. Whenever your Excellency renews your application in this quarter, or it be made (as urged by the Governor himself) to the heads of authority at the Havana, the investigation, as I write Commodore Dbuglas, will be a protracted one; and I am not at all confident that the object your Excellency has in view will be obtained, unless through the interference of the Government at home with the Court of Madrid. The proverbial inertness of the judge, the clamours of Garcia's creditors, the thousand facilities of evading the question, as furnished by the system of judicature here, are such as to paralyze any exertions that I might make, though I shall lose no time in transmitting your Excellency's Despatch to Her Majesty's Consul at the Havana, with a statement of all that has occurred.

It will appear that I have been misinformed as to the number of the boys kidnapped.

I have, &c.

Sir Lionel Smith,
&c. &c. &c.

(Signed) JOHN HARDY, Junior,
Consul.

Sub-Enclosure F. in No. 74.

Mr. Hardy to Don Thomas de Yarto.

SIR,

British Consulate, St. Jago de Cuba, October 9th, 1838.

I HAVE the honour to transmit to your Excellency the accompanying copy of a despatch I have received from Lieutenant-General Sir Lionel Smith, claiming the restitution of a lad named Wellington, who was sold some time in the year 1834, to a person named Garcia, who is at this moment in the Royal Gaol in this city.

On causing inquiry to be made of this individual, if he had any recollection of having ever effected such a purchase, he replied, that in August, 1834, he had certainly purchased a boy from one of the Captains de Partida of the coast; but that, on his arrival here, the boy was taken from him on suspicion of having been stolen; and that he, and two other boys, were placed under the charge of the then Syndic, the Licentiate Don Juan Bautista Sagarra, who sent them to one of his estates.

I have therefore to request that your Excellency will be good enough to issue such orders as may facilitate the delivery of the lad (who bears now another name) to me; as well as the examination of the other two, who have probably been acquired under similar circumstances.

I have, &c.

(Signed) JOHN HARDY, Junior,
Consul.

To His Excellency,
Brigadier Don Thomas de Yarto,
&c. &c. &c.

Sub-Enclosure G. in No. 74.

Don Thomas de Yarto to Mr. Hardy.(Translation.) *Political and Military Government of Cuba.*

SIR,

Cuba, October 13, 1838.

I HAVE received your despatch of the 9th instant, enclosing the copies of two from his Excellency Lieutenant-General Sir Lionel Smith, claiming the restitution of a lad named Wellington, with other matters; and I have passed it to the Assessor-General of this Government, as coming within his attributes.

God preserve you many years,

Señor Don Juan Hardy,

(Signed)

THOMAS DE YARTO.

Her Britannic Majesty's Consul,

&c.

&c.

&c.

No. 75.

Sir G. Villiers to Viscount Palmerston. — (Received, January 14, 1839.)

MY LORD,

Madrid, December 30, 1838.

WITH reference to your Lordship's Despatch, marked Slave Trade, of the 15th of October last, addressed to Lord William Hervey, instructing his Lordship to apply to the Spanish Government, for a mitigation of the law which prohibits the landing of free blacks and mulattoes on the Island of Cuba, on arriving from foreign parts; I have the honour to inform your Lordship that, when this Despatch was received, the orders respecting the indulgence to be granted to the black soldiers of the "Romney" had not been transmitted to the Havana; and apprehending, therefore, that the application to the Spanish Government at that moment, on a subject of a kindred nature, might lead to further delay in the termination of a question which had given rise to so much correspondence, I deemed it prudent to postpone for a time the giving effect to your Lordship's instructions.

On referring to the communications of the Spanish Government to me, on the subject of the landing of free blacks and mulattoes on the Island of Cuba, and comparing them with the letter of Mr. Francis, inclosed in your Lordship's above-mentioned Despatch, I observe that the Governor of the Island has already done away with the ground of Mr. Francis' complaint, which is, that the Spanish authorities go on board British vessels arriving in the ports of Cuba, seize these individuals, and throw them into prison.

In the circular of General Espeleta, dated June 12, which was enclosed to your Lordship in Lord William Hervey's Despatch of the 1st September last, the Captain-General abrogates the ancient regulation, and grants permission to all free persons of colour to remain on board their ship, provided the Captain or Owner of it enter into a bond of 1000 pesos fuertes (about 200*l.* sterling) engaging, that none of the individuals in question shall come ashore, during the permanence of the vessel in a port of the Island.

Under these circumstances I request your Lordship will be pleased to inform me, whether it is your Lordship's wish, that I shall apply to the Spanish Government for a further mitigation of the law, as it now prevails in Cuba.

I have, &c.

(Signed)

GEORGE VILLIERS.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

No. 76.

Sir G. Villiers to Viscount Palmerston. — (Received January 14, 1839.)

MY LORD,

Madrid, December 30, 1838.

I HAVE the honour to acknowledge the receipt of your Lordship's despatches, marked Slave Trade, up to that of the 12th inst. inclusive.

I herewith enclose the copy of a note which, in conformity with the instructions contained in that despatch, I have addressed to M. de Onis,

reiterating the demand of Her Majesty's Government, that an adequate punishment should be inflicted upon Lieutenant Cruz, of the Spanish vessel "Teresita."

I have, &c.

(Signed)

GEORGE VILLIERS.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 76.

Sir G. Villiers to His Excellency Don M. C. de Onis.

SIR,

Madrid, December 26, 1838.

LORD WILLIAM HERVEY having, during the time he was charged with the business of this mission, communicated to the Government of Her Britannic Majesty, the note of Count Ofalia, dated the 29th of August last, in answer to the demand made for an adequate punishment upon Lieutenant Cruz of the "Teresita," for having endeavoured to defeat the Treaty concluded between Great Britain and Spain, for the suppression of the Slave Trade, by protecting from capture and condemnation a vessel fitted out on a slave trading expedition, I am instructed to represent to the Government of Her Catholic Majesty, that the reprimand which Count Ofalia states, had been ordered to be given to Lieutenant Cruz, is, in the opinion of Her Britannic Majesty's Government, an inadequate mark of the disapprobation felt by the Spanish Government at this officer's conduct.

It is impossible for any impartial person, looking at the circumstances of the transaction, to entertain the slightest doubt that Lieutenant Cruz was, on that occasion, acting in connivance with the slave traders; that he violated his duty, and misused the authority which had been given to him, and that, instead of doing his best to detect the slave Trader, and to bring them to justice, he resorted to fraudulent pretences to screen them from punishment.

I am further instructed to state, that her Britannic Majesty's Government are well satisfied that the Government of Madrid is most desirous to fulfil the engagement, entered into by the Spanish Crown by the Treaty of 1835, and to put down the Slave Trade; but that the Government ought not to conceal from itself that, if misconduct, such as that of Lieutenant Cruz, on the occasion in question, is allowed to pass unpunished, neither the world at large, nor the parties engaged in the Slave Trade, will believe that the Government of Spain is sincerely co-operating with that of Great Britain for the suppression of this crime.

If a British officer had behaved in a manner similar to that in which Lieutenant Cruz is acknowledged to have conducted himself, he would have been superseded from the command of his ship.

I have therefore to express to your Excellency the expectation of Her Britannic Majesty's Government, that Her Catholic Majesty's Government will, on reconsideration, feel it right to pursue the same course with respect to Lieutenant Cruz.

I have, &c.

(Signed)

GEORGE VILLIERS.

To His Excellency Don M. C. de Onis.
&c. &c. &c.

No. 77.

Viscount Palmerston to the Earl of Clarendon.

MY LORD,

Foreign Office, 29th January, 1839.

I HAVE received your Lordship's despatch, Slave Trade, of the 30th of December, 1838, stating the regulations which are now in force in Cuba, with respect to free persons of colour arriving on board of British vessels off that island; and I observe by your despatch, that, according to these regulations, that portion of the ancient law upon this subject, which prohibits free persons of colour from landing in the Island, is not yet abrogated; and that even now individuals of colour, arriving off the Island, may be seized and thrown into prison on account of their colour, unless the captain or owner of the vessel in which they arrive shall enter into a bond of 1000 pesos fuertes, engaging, that none of the individuals in question shall come ashore, during the time the vessel remains in a port of the Island.

Thus a considerable privation, which does not appear to be necessary for the internal security of the Island, is imposed upon free and innocent individuals, repairing thither for legitimate purposes, connected with the friendly communication between the dominions of other powers and the colonies of Spain. But, now that slavery has been abolished in the British Colonies, it is to be expected, that many free negroes, as well as free men of colour, will be employed in navigating ships, trading from island to island in the West Indies; and thus the Spanish law in question will every day become more vexatious to British commerce.

I have, therefore, to instruct your Lordship, to make an earnest application to the Spanish Government, for a further mitigation of this law.

I am, &c.

(Signed) PALMERSTON.

To the *Earl of Clarendon, G. C. B.,*
 &c. &c. &c.

SPAIN. (Consular)—Cadiz.

No. 78.

Mr. Brackenbury to Viscount Palmerston.—(Received May 3rd.)

MY LORD,

British Consulate, Cadiz, 19th April, 1838.

I HAVE the honour to enclose copy of a letter, that I have just addressed to the Commissioners of Her Majesty's Customs.

The "*Velox*" was condemned as a prize in the British and Portuguese Court of Mixed Commission at Sierra Leone, on the 16th of December, 1836, for a breach of the Laws made for the prevention of the Slave Trade, as appears by a certificate of Registry granted at Sierra Leone, April 13, 1837.

I have not failed to make the Honourable Captain Denman, the Commander of Her Britannic Majesty's Naval Forces in this Bay, acquainted with these facts.

I have, &c.

(Signed)

J. M. BRACKENBURY.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 78.

Mr. Brackenbury to the Commissioners of Customs.

HONOURABLE SIRS,

British Consulate, Cadiz, 19th April, 1838.

I HEREWITH enclose the certificate of the British Registry of the brig "*Velox*." Mr. John White having sold the "*Velox*" to a Spaniard in this city, who has been the owner of so many vessels employed in the Slave Trade, no doubt exists of his intention to re-employ the "*Velox*" in the same inhuman traffic, particularly so as it is well known here, that Mr. White has heretofore sold similar vessels to the same parties, similarly captured, condemned, and re-employed.

I have, &c.

(Signed)

J. M. BRACKENBURY.

The Honourable Commissioners of Her Majesty's Customs.

No. 79.

Mr. Consul Brackenbury to Viscount Palmerston.—(Received June 19.)

MY LORD,

Cadiz, 6th June, 1838.

I HAVE the honour to enclose copy of my despatch of yesterday to Sir George Villiers, upon the continued practice of fitting out slave ships in this harbour, by Spanish merchants who have been for several years concerned in those undertakings; and upon the sale and transfer of suitable vessels, from time to time, to the same individuals, by subjects of Her Britannic Majesty; and I am, in addition, to acquaint your Lordship that I have this day received positive information, on which every reliance may be placed, that the "*Velox*" (whatever may be the name she has assumed with the Portuguese flag) was equipped here with spare planks, with shackles, bolts, handcuffs, and with other materials, required only for vessels employed in the Slave Trade; and, moreover, that another vessel, "*El Marinero*," belonging to the same parties, is also in a state of preparation for a slave adventure, to be commenced at the close of this month.

If right of search were not limited to certain latitudes, the vigilance and energy of British cruisers would soon annihilate this inhuman traffic in slaves. Not one of the many slave ships which have been fitted out in this port, during the period that Her Britannic Majesty has had a naval force here, would probably have escaped capture.

I have, &c.

(Signed)

J. M. BRACKENBURY.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 79.

Mr. Brackenbury to Sir G. Villiers.

SIR,

British Consulate, Cadiz, June 5th, 1838.

The brig "*Velox*" was the property of slave dealers well-known and long established in this city. She was taken, and condemned as a prize by the British and Portuguese Mixed Commission at Sierra Leone on the 16th December, 1836, for a breach of the laws made for the prevention of the Slave Trade, as appears by a certificate of registry granted at Sierra Leone on the 12th of April, 1837.

This brig was purchased by certain persons, who are in the habit of buying condemned slave vessels, and of re-selling them to their original proprietors, residing in this city, to be re-employed in the same inhuman traffic.

They are the same parties who brought the brig "*Duke of Wellington*," afterwards "*El Caçador*," to Cadiz, and transferred her to the same individuals here, who re-converted her without delay into a slave ship, of which I had the honour to apprise you on the 13th of November 1833.

I am not aware of any law to prevent British subjects carrying on this trade, of purchasing and re-selling condemned slave vessels to foreign slave dealers.

The "*Velox*" has sailed again for the coast of Africa; under what name I know not, but under Portuguese colours, for her name and destination were concealed; her sailing was advertised, contrary to usage, in the following ambiguous terms.

"Y un Bergantin Portugues, para el O;" instead of specifying the name of the vessel and of her Commander, and the place of her destination.

I am instituting inquiries for the purpose of ascertaining if possible, by what documents, and by whom, these facilities are granted for this transfer of a Spanish flag, to that of Portugal in a Spanish Port.

These proceedings ought to be checked. Their object is to escape the provisions of your Treaty, between Great Britain and Spain on the 28th June, 1835.

On the 14th December, 1836, my son the Pro Consul had the honour of then apprising you, that the same people (to whom the "*Velox*" has been so recently transferred), had sent one of their vessels the "*Portento*," to Lisbon, whence she returned under Portuguese colours, with the new name of "*Victoria*," and also that they being Spanish, were owners likewise of another slave schooner, sailing with Portuguese colours, called "*Scorpion*."

The new Treaty with Portugal, may render similar arrangements more difficult hereafter.

I shall send a copy of this Despatch to Viscount Palmerston, and also to Her Majesty's Minister at Lisbon.

I have the honour, &c.

(Signed)

J. M. BRACKENBURY.

Sir George Villiers, G.C.B.

&c.

&c.

&c.

No. 80.

Mr. Brackenbury to Viscount Palmerston.—(Received July 25.)

MY LORD,

British Consulate Cadiz, July 7, 1838.

I HAVE the honour to enclose a copy of my last communications to Sir George Villiers respecting the slave ship "*Marinero*," which was, I believe, the last vessel but one in this harbour, belonging to those individuals, who are publicly known to employ them in the Slave Trade. Though I have ever

kept a watchful eye upon their undertakings, I have never been enabled, by any representation of mine, however early, to prevent their sailing. Their destination has been nominally changed; but their capture, in some instances, and their return to port in others, have proved the enterprises on which they had been engaged.

The only remaining vessel of this class now in the harbour, is a large schooner, for the equipment of which no preparations are making.

I have, &c.

(Signed)

J. M. BRACKENBURY.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

First Enclosure in No. 80.

Mr. Brackenbury to Sir George Villiers.

SIR,

British Consulate, Cadiz, 29th June, 1838.

It is my painful duty to acquaint you that "*El Marinero*," owned by the same parties to whom the "*Velox*" and other similar vessels belong, sailed yesterday evening, under Spanish colours, completely equipped for a slave-voyage.

She weighed anchor a few days ago, and was proceeding to sea, without hoisting any colours; but on her Majesty's ship "*Scylla*" standing out of the harbour at the same time, "*El Marinero*" put back. The general impression amongst the Spaniards here was, that orders had been sent to search and capture, in any latitude, vessels fitted out for the Slave Trade.

Captain Denman thinks that two other slave-ships put to sea last night.

I have, &c.

(Signed)

J. M. BRACKENBURY.

Sir George Villiers, G.C.B.

&c.

&c.

&c.

Second Enclosure in No. 80.

Mr. Brackenbury to Sir George Villiers.

SIR,

British Consulate, Cadiz, 6th July, 1838.

It is upon authentic proof of the equipment of slave-ships in this port that I have communicated the facts to you. For these proofs I have paid, and for similar proofs I should have continued to pay, had I not been authorized by you, Sir, or promised reimbursement; for every zealous servant of the Crown, every abhorror of slave-traffic, would spend a portion of his own (which I often have done), for the purpose of securing that information upon which Government might rely. But my unremitting endeavours have not been of much avail: the greatest good which I have been enabled, during fourteen years, to achieve, has been, to check the practice of completing the outfit of these vessels at Gibraltar.

Though I have retarded their departure, never have I been enabled to prevent the sailing of a single slave-ship from Cadiz.

The authorities have always connived at the outfitting of slave-vessels here. Why should they be ignorant of facts, known to others of all classes? As a strong presumptive evidence of their connivance on the last occasion, in the case of the "*Marinero*," it is to be observed, that having sailed without colours, her intentions ought to have been suspected, and the cause of this irregularity investigated, when she put back; but no notice whatever was taken, either of her departure or her return, in the "*Diario Marítimo de la Vigía*," published every evening, by authority, to promulgate the sailing and arrival; although the movements of Her Majesty's ship "*Scylla*," which got under weigh about the same time, and returned to her anchorage at the very same hour, were accurately described.

In like manner, when she sailed under Spanish colours, her name and destination were concealed; her departure was announced in the following terms: "*Ha salido un bergantim Español para el O*;" in the same terms was the sailing of the "*Velox*" announced, when she put to sea with Portuguese colours.

The last equipment of the "*Marinero*" consisted of 50 iron bars, to be screwed on the decks, through which the leg ring-bolts of the slaves are run; of 30 pair of

CLASS B.

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handcuffs, sufficient for the number of any boat-load of slaves to be brought from the shore to the ship; of 25 very large water-tubs, and of two immense boilers.

Of these facts I have undeniable testimony; but were I to give up the names of my informants, they could not remain in Cadiz, and my principal sources of authentic information hereafter would be choked up.

You may depend, Sir, upon the accuracy of my statement.

I have, &c.

(Signed)

J. M. BRACKENBURY.

Sir George Villiers, G.C.B.
&c. &c. &c.

No. 81.

Mr. Brackenbury to Viscount Palmerston.—(Received October 9.)

(Extract.)

British Consulate, Cadiz, September 28, 1838.

I HAVE the honour to acquaint your Lordship that a Spanish Brig which sailed from hence a few months ago, then called "*Boca Negra*," has since landed a cargo of 250 slaves for the Havana, whence she proceeded to Trinidad de Cuba, where she was loaded with a cargo of sugar for this port, with which she arrived on the 16th instant under the new name of "*Emprendedor*."

She is beginning to take in water and provisions, preparatory to her return to the coast of Africa, of which there can be little doubt, as the "*Emprendedor*" is one of the many vessels employed in the Slave Trade, which belong to Don Pedro Martinez of this city.

No. 82.

Mr. Consul Brackenbury to Viscount Palmerston.—(Received November 12.)

MY LORD,

British Consulate, Cadiz, October 26th, 1838.

WITH reference to my last communication of the 28th ultimo, I have the honour to acquaint your Lordship, that the "*Emprendedor*" sailed yesterday. She cleared out in ballast for Cumaná; but it is understood, that she will complete her slave equipment at the Cape de Verde Islands.

I have, &c.

(Signed)

J. M. BRACKENBURY.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 83.

Mr. Brackenbury to Viscount Palmerston.—(Received January 14th.)

MY LORD,

British Consulate, Cadiz, January 1st, 1839.

I HAVE the honour to acquaint your Lordship of the arrival in this port of the brig "*Rapido*," under Portuguese colours, from Princes Island, with a cargo of coffee and other productions.

This vessel has been, and is about to be again employed in the Slave Trade from the coast of Africa and adjacent Islands to Pernambuco.

The owner Madame Ferreira, who has extensive plantations and many slaves in Princes Island, has arrived in the "*Rapido*," having had on her voyage a small adventure in negroes, to the number of twelve or thirteen, which she conveyed to Princes Island from that of St. Thomas.

Madame Ferreira has moreover brought to Cadiz, seven negroes from the number of her slaves in Princes Island, which are now on board; "*Rapido*" is to sail from hence in about a month, without a single equipment for a slave adventure; these were left at Princes Island to await the vessel's return there.

A black schooner without topsails belonging to Madame Ferreira is now em-

ployed in collecting negroes from different slave factories along the coast, and landing them on Princes Island, where it is arranged, that the "*Rapido*" will receive them and her equipment, and proceed to Pernambuco.

These facts I communicate to Sir George Villiers.

I have, &c.

(Signed)

J. M. BRACKENBURY.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

SPAIN. (*Consular*)—Cuba.

No. 84.

Viscount Palmerston to Mr. Tolmé.

SIR,

Foreign Office, 19th April, 1838.

I HEREWITH transmit to you a printed copy of an additional Article to the Treaty concluded at the Hague on the 4th of May, 1818, between Great Britain and the Netherlands, for the prevention of the traffic in slaves. The Ratifications of this Article were exchanged at the Hague on the 27th February, 1837.

I likewise transmit to you a printed copy of a Treaty, by which the Hanse Towns have acceded to the Conventions between His late Majesty and the King of the French, for the more effectual suppression of the traffic in slaves. The Ratifications of this Treaty were exchanged at Hamburgh on the 12th September, 1837.

I also transmit to you a printed copy of a Treaty, by which the Grand Duke of Tuscany has acceded to the abovementioned Conventions between His late Majesty and the King of the French. The Ratifications of this Treaty were exchanged at Florence on the 2nd March, 1838.

C. D. Tolmé, Esq.,
&c. &c. &c.

I am, &c.
(Signed) PALMERSTON.

No. 85.

Viscount Palmerston to Mr. Tolmé.

SIR,

Foreign Office, 24th May, 1838.

I HEREWITH transmit for your information, a copy of two Series of Papers relating to the Slave Trade, which have been presented to the two Houses of Parliament, during the present Session, by Her Majesty's command.

C. D. Tolmé, Esq.,
&c. &c. &c.

I am, &c.
(Signed) PALMERSTON.

No. 86.

Viscount Palmerston to Mr. Tolmé.

SIR,

Foreign Office, 9th June, 1838.

I HEREWITH transmit to you the copy of a Resolution, which was voted unanimously by the House of Commons on the 10th May, 1838, for an Address to Her Majesty upon Slave Trade, and a copy of the Answer, which, on the 23rd of the same month, Her Majesty was pleased to return to that Address.

You will see from these papers the unceasing and anxious desire of the Parliament and Government of this country for the extinction of the traffic in slaves.

C. D. Tolmé, Esq.,
&c. &c. &c.

I am, &c.
(Signed) PALMERSTON.

No. 87.

Viscount Palmerston to Mr. Tolmé.

SIR,

Foreign Office, 11th July, 1838.

I HEREWITH transmit to you copies of papers received by me from the Colonial Department, showing that a practice exists of kidnapping British negroes, and of removing them to Spanish Colonies, where they are kept in slavery.

I have to desire that you will use all the means in your power to effect the discovery and liberation of any British negroes, who may have been thus removed to Cuba, and to prevent the future introduction of kidnapped British negroes into that island.

C. D. Tolmé, Esq.
&c. &c. &c.

I am, &c.
(Signed)

PALMERSTON.

Enclosure in No. 87.

Colonial Office Letter of 8th June, 1838.

(See Enclosure in No. 22, p. 32.)

No. 88.

Mr. Tolmé to Viscount Palmerston.—(Received September 27.)

MY LORD,

British Consulate, Havana, 25th July, 1838.

I BEG to acknowledge receipt of your Lordship's despatch of the 19th of April last, enclosing,

1. A printed copy of an additional article to the treaty concluded at the Hague on the 4th of May, 1818, between Great Britain and the Netherlands, for the prevention of the traffic in slaves, the ratifications of which article were exchanged at the Hague on the 27th of February, 1837.

2. A printed copy of a treaty, by which the Hanse Towns have acceded to the conventions between His late Majesty and the King of the French, for the more effectual suppression of the traffic in slaves, the ratifications of which were exchanged at Hamburg on the 12th of September, 1837, and

Lastly, the printed copy of a treaty, by which the Grand Duke of Tuscany has acceded to the above-mentioned conventions between His late Majesty and the King of the French, the ratifications of which treaty were exchanged at Florence on the 2nd of March, 1838.

I have added these three enclosures to the archives of this Consulate.

I have, &c.

(Signed)

C. D. TOLME', *Consul.*

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 89.

Mr. Tolmé to Viscount Palmerston.—(Received September 27.)

MY LORD,

British Consulate, Havana, 25th July, 1838.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of the 24th of May last, accompanying a copy of two series of papers relating to the Slave Trade, which have been presented to the two Houses of Parliament during the present session, by Her Majesty's command, which I have added to the archives of this Consulate.

I have, &c.

(Signed)

C. D. TOLME', *Consul.*

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

Mr. Tolmé to Viscount Palmerston.—(Received September 27.)

MY LORD,

British Consulate, Havana, August 4, 1838.

I HAVE had the honour to receive your Lordship's Despatch of the 9th of June last, with the copy of a resolution, which was voted unanimously by the House of Commons, on the 10th of May, 1838, for an address to Her Majesty upon the Slave Trade, and a copy of the answer which, on the 23rd of the same month, Her Majesty was pleased to return to that address.

I see from these papers the unceasing and anxious desire of the Parliament and Government of the United Kingdom for the extinction of the traffic in slaves, and find therein a new motive for contributing, as far as lies within my humble means, to so philanthropic an object.

I have not done myself the honour of addressing your Lordship of late on the subject of this illegal and inhuman commerce, because it has not, to the best of my knowledge, assumed in these quarters any new features; and to transmit the details of its progress would be, I presume, but to repeat the statements of those, whose more exclusive duty it is to make known to your Lordship what is passing here in such matters.

But there are some facts which I have recently learnt, and some reflections which I have made thereon, that may not be altogether unworthy of notice, and which may have escaped the attention of Her Majesty's Commissioners; and I therefore again take leave to renew my communications.

I had the honour, nearly two years back, of observing to your Lordship the increasing use of the Portuguese flag for the introduction of slaves into this island; and the traders here have since availed themselves of it to even a greater extent than I had anticipated. Scarcely a vessel comes in from Africa not under Portuguese colours, though it is well known that the subjects of Her Most Faithful Majesty have a very limited interest in either ships or cargoes, they being chiefly the property of Spaniards resident in this island.

Her Majesty's Commissioners have stated in their Annual Report (see Class A. Further Series, 1837, page 67), the number of Portuguese slavers which arrived last year to be 48; but I have reason to believe that it was still greater, for I find by the "Balanza Mercantil" of this place, published annually under the authority of his Excellency the Intendant, that 67 Portuguese vessels entered the Havana in 1837, and I have not been able to learn that more than one of them arrived with a cargo. In the same way, not 40, but 56 sailed also in ballast, or with articles only suitable for the African trade; numbers forming a singular contrast (only to be accounted for by the recently-adopted use of the Portuguese flag for slaving purposes,) to those of preceding years; for in 1836 the sailings were 7 and the arrivals 11; and in 1835 the first 3 and the last 6. Another remarkable fact is exhibited in a return which I have from the Portuguese Consul, whereby it appears that the vessels in question were manned at the rate of 15 men for every 100 tons, a proportion never thought of for ships employed in times of peace; in legitimate commerce, 6 men for every 100 tons being about the number usually employed in the English, and 5 per 100 in the American merchant service.

It was to be hoped that the decree of the Portuguese Government of the 16th January, 1837, by which "such vessels only were to be considered Portuguese as had been navigated under the Portuguese flag up to that date, or should in future be built in Portugal or her dominions," would have prevented the collusive transfer of Spaniards, Americans, &c.; but the result has proved how fallacious was that expectation. Several of the vessels captured had, as if just to evade this decree, their papers dated in December 1836 and the beginning of January 1837, for example:—

The "Temerario,"	in December, 1836; see P. P., Class A., page 51
The "Latona,"	" " " 56
The "Cobra de Africa,"	" " " 51
The "Flor de Tejo,"	January, 1837 " " 66

and some were actually transferred after the decree mentioned, for example:—

The "Providencia,"	in April, 1837; see P. P., Class A., page 67
The "Vibora,"	in June, 1837. See Further Series A., page 14

but more I fear, though positive proof of the fact is wanting, were navigated

with papers not belonging to them, but which they received from vessels lost, condemned, or sold into another service, for I have seen some papers which would have applied to any other vessel of the same rig, whether larger or smaller, just as well as they did to the one to which they proposed to give a character, for example those of the "*Oposição*," detained in April last by Her Majesty's ship "*Pearl*."

Under these circumstances it is ardently to be desired, that your Lordship's unwearied endeavours to procure a Treaty with Portugal may be soon crowned with success, and terminate such corrupt practices; for till this is the case, it is evident that in spite of the decree of the 16th January, 1837, foreign ships will continue to be put under the Portuguese flag, either by giving them new papers of a later date, as in the instances of the "*Providencia*" and the "*Viper*," or by transferring the papers of vessels condemned or lost to new craft, or by some other fraudulent means. Else, why should the Slave Traders here go on buying at enormous rates the clippers of the United States, and why despatch them with large crews of Spaniards and Portuguese to the Cape de Verdes or the coast? Whilst I am writing, there arrives from Baltimore, under American colours, a splendid frigate of 460 tons, the "*Venus*," belonging to the well known trader Jozé Mazorra, who is mentioned in the despatch of the Havana Commissioners of the 1st January, 1838, (see Class A. further Series, page 65,) as being "engaged in furnishing Portuguese papers to the owners of slave vessels."

But this being the state of things, should not, my Lord, the Commanders of Her Majesty's cruisers be made attentive to the fact, that Portuguese vessels, not built in Portugal, whose papers are dated after the 16th January, 1837, are divested of the nationality they have assumed, and that when not possessing those documents which the laws of nations require, documents sufficient to establish their identity, there is a presumptive evidence of their being engaged in no legal traffic, and a sufficient ground for their being detained, if not condemned; or have not, my Lord, with regard to the vessels I am writing about, those circumstances at length arisen, which your Lordship declared in a despatch to Her Majesty's Minister at Rio de Janeiro "might at length compel Her Majesty's Government to treat summarily, and by its own authority, as pirates and outlaws, ships pursuing the Slave Trade, under the fraudulent shelter of the flag of a friendly Power."

There was a time, when it was supposed, that some disposition existed on the part of Portugal, Brazil, and Spain (the Governments whose subjects are chiefly engaged in the Slave Trade), to put a stop to it; but the correctness of that supposition may now be doubted. Lord Howard de Walden speaks distinctly of "the disposition of the Portuguese authorities to protect slave vessels;" and Mr. Hamilton reports, that the Brazilian Minister has declared himself in no measured terms in favour of the Slave Trade; whilst it is impossible that one Captain-General after another should allow the extensive and continual introduction of slaves into this island, without, to say the least, the tacit sanction of the mother country.

We have, therefore, I apprehend, nothing to expect from the interference of any of these Powers; on ourselves, and ourselves alone, we must rely. The Minister at Lisbon says, "It is only through the activity of British cruisers and agents that any effectual check can be expected to be imposed on the abuse of the Portuguese flag," and Mr. Hamilton observes that "from England alone the cure can come—she must sweep the seas of Africa and Brazil: without this our success must prove uncertain and remote." And to these high authorities I would add my humbler opinion, by repeating what I have before written, that "to employ an overpowering naval force on the Coast of Africa and in these waters, capable of rendering the escape of the majority of the slave vessels next to impossible would prove the only sure, the most economical, and the speediest method of putting an end to the trade."

I beg to enclose a list of the number of Portuguese vessels which, according to the returns in the public papers, have arrived at and sailed from this port in each month of the present year.

I have, &c.

(Signed)

C. D. TOLME', *Consul*.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 90.

NUMBER of Portuguese vessels which have arrived in the Port of Havana, and sailed from thence, in each month of 1838, extracted from the public papers:—

	Arrived.			Sailed.		
January - - -	3	-	-	1		
February - - -	0	-	-	3		
March - - -	Not given					
April - - -	6	-	-	2		
May - - -	4	-	-	6		
June - - -	5	-	-	9		

No. 91.

Mr. Tolme to Viscount Palmerston.—(Received October 18.)

MY LORD,

British Consulate, Havana, 11th September, 1838.

I ACKNOWLEDGE receipt of your Lordship's Despatch of the 11th July last, transmitting me copies of papers received by your Lordship from the Colonial Department, showing that a practice exists of kidnapping British negroes, and of removing them to Spanish Colonies, where they are kept in slavery, and desiring me to use all the means in my power to effect the recovery and liberation of any British negroes, who may have been thus removed to Cuba, and to prevent the future introduction of kidnapped negroes into that island.

I have in consequence made inquiries here, without hitherto discovering that there are any negroes in the position in question; and I have addressed myself on the subject to Her Majesty's Consul at St. Jago, as well as to individuals of confidence in other parts of the island, where there are no Consular Agents; and, as soon as I receive their answers, I shall have the honour of communicating the substance of them to your Lordship.

I do not, however, think it likely, that any such kidnapped negroes, unless introduced long ago, will be found in Cuba; for the authorities, though tolerant enough in receiving bozales, are dreadfully apprehensive of the effects of the introduction into the island of coloured people, who have imbibed notions of freedom, and have therefore taken those harsh measures for preventing their admission which I alluded to in 1837, and 1838, in the regular series of my consular despatches. Still single cases of kidnapping may arise; and, as to save even one negro from slavery is a worthy object of vigilance, I shall not fail to keep a watchful eye on what is passing; and if I find a single instance of an attempt at such iniquitous proceedings, your Lordship may be assured, that I will do all that depends on me to contravene it.

I have the honour, &c.

(Signed)

C. D. TOLME, *Consul.*

The Right Hon. Viscount Palmerston, G.C.B.,

&c.

&c.

&c.

No. 92.

Mr. Tolmé to Viscount Palmerston.—(Received December 4.)

(Extract.)

British Consulate, Havana, 3rd October, 1838.

HAVING engaged persons, on whom I believe reliance can be placed, to procure the information which I was desired, by your Lordship's Despatch of the 13th July last, to transmit to Her Majesty's Commissioners here, I was enabled, under date of the 1st instant, to apprise them, that during the month of September preceding, there had been cleared in this Custom House, for the Cape de Verds and the Coast of Africa, the vessels mentioned in the following list, viz.—on the

18th inst.	the American Brig	"Comet,"	Dickson,	Master,	for the Cape de Verds.
24th	"	Portuguese	"Veterano,"	Esteban	" S. Tomé
29th	"	"	"Triumpho,"	"	Loanda, and
"	"	"	"Victoria,"	"	Rio Congo.

of these vessels the "*Triumpho*" returned dismasted, on the 30th September, the day on which she put to sea.

I also informed the Commissioners, that there had entered here during the month of September, after landing on the coast,

500	Africans,	the Portuguese Brig	" <i>Vigilante</i> "
340	"	"	" " <i>Gabriel</i> "
200	"	" Schooner	" " <i>Ala</i> "
203	"	Spanish "	" " <i>Salomé</i> "
213	"	Portuguese "	" " <i>Montaña</i> ."

Several other vessels, which have discharged on the Coast of Africa and are yet to come into Port, are not included in the list; because when they enter, I can give a more correct account of them.

Of the vessels in the first list, the American Schooner "*Comet*" is freighted, they say, merely to take out goods to the Coast, and not otherwise to be employed in the Slave trade. Yet this statement may be false, and, as she arrived very recently from New Orleans, addressed to the well-known firm of Blanco and Carballo, I have requested Mr. Consul Crauford, to endeavour to collect particulars as to ownership, &c., which may throw some light on the subject. The "*Veterano*" I am told, was formerly the Spanish Brig "*Vigilante*." The "*Victoria*" is a Portuguese Schooner which arrived here in August from Matanzas. The "*Triunfo*" was the "*Cristina*." Of the vessels in the second list, I have not yet procured satisfactory information about the "*Vigilante*." The "*Gabriel*" was an American schooner, which arrived at Havana from Baltimore the 13th December, 1837, and cleared out from hence for the Island of Principe on the 19th January, 1838, under her original colours. She is stated to be now called the "*Victoriano*," but the fact is not certain. The "*Ala*" arrived here to the address of P. Martinez and Co, from New Orleans, on the 30th September, 1837, then bearing the name of the "*Cleopatra*," under which, and American colours, she cleared for the Coast on the 25th November, 1837. The *Salomé* is a well-known Spanish Schooner, which has made several successful voyages, and the *Montaña* is a Portuguese Schooner, which left this Port for Africa about the middle of December, 1837.

These particulars may be relied on as approximately correct; that they are not perfectly so, is a consequence of the confusion arising from the changes which many of the Vessels have undergone, in names alternately American, Spanish, and Portuguese. From the south side of the Island, no report has yet reached me, as to what is going on there; but from Matanzas, the following particulars have been transmitted to me under the date of yesterday.

"Within the last few weeks," my correspondent writes "two cargoes of slaves have been landed at Camarioca, together upwards of 500, both, as I learn, belonging to your city; one or two others, owned here, are hourly expected. In the month of April last, the American Schooner, "*Sarah M of Savannah*," was sold in this place and despatched for a cargo of 200. About the middle of June, the Schooner "*Mary Ann Casard*," of Baltimore, was sold, loaded, and sailed for the Cape de Verds, with specie and rum to purchase 250 slaves. A few days subsequently, the Spanish Brig "*Manso*" left this Port for Africa, direct, with an assorted cargo and specie, for 500 at least. On or about the last of July, the Schooner "*Dolphin*" was sold here, took in rum and provisions, and sailed shortly after; expected to bring 300. A Schooner, with Portuguese colours, left this for Havana to take in cargo. She was also Baltimore built, her present name "*Victoria*." The American Schooner "*Jago*" is now here, if her Captain can get share-holders, she will sail for 200 slaves about the 15th proximo."

I hope, next month, to supply more ample details of what is passing, as well here as at the outports.

No. 93.

Viscount Palmerston to Mr. Tolmé.

SIR,

Foreign Office, 31st December, 1838.

IN answer to a complaint, addressed by Her Majesty's Minister at Lisbon to the Portuguese Government, on the subject of the appointment of

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Don José Miguel Fernandez as Consul of Her Most Faithful Majesty in Cuba, the Portuguese Government has transmitted to that of Her Majesty a copy of a testimonial under your hand, by which you recommend Don José Miguel Fernandez, as a gentleman of great respectability, and peculiarly well qualified to perform the functions of the situation in question.

Now, from authentic information received in this department, it appears that Don José Miguel Fernandez is one of the most notorious slave-dealers whose names are to be found in the records of the Mixed Courts.

The notoriety of this fact could hardly have escaped your knowledge; and it appears extraordinary that, under such circumstances, you should have recommended Don José Fernandez for a situation, the duties of which are so incompatible with his character and occupations.

I have accordingly to desire, that you will explain to me, for the information of Her Majesty's Government, the grounds upon which you signed the above-mentioned recommendation.

I am, &c.

(Signed)

PALMERSTON.

C. D. Tolmé, Esq.,
&c. &c. &c.

PORTUGAL.

No. 94.

M. Carvalho to Viscount Palmerston.—(Received March 28, 1838.)

THE Undersigned, Chargé d'Affaires of Her Most Faithful Majesty at this Court, has the honour to forward to his Excellency Lord Viscount Palmerston, Her Britannic Majesty's Principal Secretary of State for Foreign Affairs, the enclosed representations, addressed to Her Most Faithful Majesty's Government by M. Juan Jorge Peoli, Captain of the Spanish brig "*Diogenes*," and strongly supported by the Spanish Government, through its Envoy Extraordinary and Minister Plenipotentiary at the Court of Lisbon, with the accompanying documents, part of which confirm the atrocious violence committed against the said brig in the port of Mozambique, on the 25th September, 1836, by Lieutenant Charles John Bosanquet, Commander of Her Britannic Majesty's brig of war "*Leveret*;" some show the incorrectness of the assertion, that the brig "*Diogenes*" had, in the high sea, fired against the boats of the brig "*Leveret*;" and, finally, others establish and prove the general account presented by M. Peoli of the capital employed in the negotiation of the brig "*Diogenes*," and of the damages, losses, interest, and expenses, which, together with the additional account annexed to the last representation, makes his claim amount to 181,865½ dollars, after deducting the value of the said brig, and of her cargo and specie, which remained in deposit at Mozambique, and for the delivery of which to M. Peoli, the Portuguese Government has already issued orders to the Governor-General of that province.

In laying before his Excellency, Lord Viscount Palmerston, the enclosed papers, in addition to the note addressed to his Excellency on the 26th May, 1837, upon the same subject, the Undersigned is ordered to state also that Her Most Faithful Majesty's Government had seen with satisfaction, by the answer his Excellency was pleased to give to the said note, on the 24th July of the same year, that the British Government, admitting the principal facts alleged against Lieutenant Bosanquet to have been proved; expressed regret, that the said Lieutenant should have given cause to just complaints; and assured that the most strict orders would be issued to prevent the officers of Her Britannic Majesty's Navy from repeating such *irregularities*. But at the same time that Her Most Faithful Majesty's Government duly appreciated that feeling of regret and this assurance, still neither one nor the other could be considered by the same Government (nor can the British Government be of a different opinion) as a sufficient reparation for the great offence offered to the Crown of Portugal and to its flag, as well as for the outrageous attack, made in one of its ports against the flag of an allied and friendly nation, and of the consequent damages suffered by the brig of that nation.

Her Britannic Majesty's Government will have acknowledged that the criminal conduct of Lieutenant Bosanquet, in searching, on the 20th September, 1836, with an armed force, the ships harboured in the port of Mozambique, could never be qualified as a mere *irregularity*, for it was a complete violation of the Portuguese territory, and of the Convention of 28th July, 1817, in the second Article of the instructions annexed to it, by which it is enacted, that "no vessel, whether mercantile or employed in the Slave Trade, shall, in any case, be searched whilst she is harboured in any port; and should suspicion arise as to any vessel stationed in any port, representation ought to be made to the local authorities, requesting them to adopt the proper measures." But the attack, boarding, and capture of the brig "*Diogenes*," made by Lieutenant Bosanquet; after that brig was anchored in the harbour of Mozambique, and under the protection of the Portuguese flag, were the greatest offence that the Crown of Portugal could have received, and so enormous a crime, that the Government of Mozambique would only fulfil its strict duty if, repelling force with force, they had immediately ordered the said Lieutenant to be tried and punished with all the severity of the law. The above-stated facts having

R 2

been perpetrated by an officer of the British Navy, commanding a brig of war of the same navy, and under the British flag, and the British Government having already acknowledged that those facts had been proved, Her Most Faithful Majesty's Government, sure of the spirit of justice that guides Her Britannic Majesty's advisers, feels confident that they will give without delay a public disapprobation, equal to the enormity of the offence committed by that officer, and make amends for all the losses and damages caused to the brig "*Diogenes*," by granting the just claim of her Captain, to which Her Most Faithful Majesty's Government, pressed by the Spanish Government, and in fulfilment of its duty, in consequence of the boarding and capture of the brig "*Diogenes*" being perpetrated in a port of the Portuguese dominions, and under the batteries of one of its forts, gives all its support, and adopts as its own, before the British Government, whose honour is pledged to give to two allied Governments this decisive proof of the just and well-deserved consideration with which it regards them, and to all Europe, a memorable example of its justice, and of the strict discipline observed in the British navy, never allowing its officers to stain it, by misusing the force intrusted to them.

The Undersigned, &c.

(Signed) LE CHEVALIER REBELLO DE CARVALHO.

London, 27th March, 1838.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 94.

(Translation.)—*To his Excellency the Minister Plenipotentiary and Ambassador Extraordinary of Her Catholic Majesty, accredited to the Government of Her Most Faithful Majesty.*

JUAN GEORGE PEOLI, Captain of the Spanish brig "*Diogenes*," in reference to the complaint, which he has addressed to the Government of Her Most Faithful Majesty, respecting the atrocious assault sustained by him when his vessel was at anchor at Mozambique, from Her Britannic Majesty's brig the "*Leveret*," Charles John Bosanquet, commander, states to your Excellency with due respect, that, according to what your Excellency has communicated to him, both verbally and in writing, relative to the Government of Her Most Faithful Majesty not admitting the entire relinquishment of the vessel, and of whatever belongs to her, and is deposited at Mozambique, as Memorialist had so justly requested, adding the motives which prompted the Government thereto; which Government has directed an order to be promulgated by the Department of the Marine, purporting that there should be given up to Memorialist, vessel, cargo, specie, and whatever else belongs to the expedition of the "*Diogenes*." Having taken cognizance of all the above, he submits to your Excellency that, desirous to remove obstacles, and to employ all means in his power for bringing this unpleasant business to a conclusion, he readily consents to receive the vessel and all that belongs to her and is deposited Mozambique, in compliance with what is ordered; but as by the time that the vessel can be taken possession of she cannot but be unseaworthy, for reasons to be stated presently, so that it becomes necessary to affix a price to the said vessel, her equipment, and whatever else may be found in the dépôt just mentioned, Memorialist affixes the price of six thousand dollars, being certain that on selling the whole he shall not make three thousand, as he will show presently; which six thousand dollars must be added to the hard cash, the amount of which is set down in the inventory, and entered in the annexed account.

She will not fetch three thousand dollars. No, most excellent Sir, the "*Diogenes*" was a good vessel, but she performed a long voyage before she arrived at the port in question, where she received a smart shock from the English brig on the larboard side at the time of boarding, which caused the "*Diogenes*" to become leaky. On the third day she was fired upon by the fortress, receiving many shot in her side, and her foremast was shattered by a cannon-shot, as will be attested by the officers and passengers of the merchant vessel "*Princesa Real*." Moreover, Sir, how must a vessel be affected by an extremely hot climate, where she has been exposed to all weathers for two years, without having had any care taken of her? It would not be surprising if she foundered. Add to which, that she must be disposed of in a country where there is no commerce, where you can get

no carpenters, caulkers, or implements for refitting a vessel for a long voyage, and where you can obtain no provisions adapted to her, even if she were in a state of repair, which she is not.

Facts, Sir, go a greater way than assertions. Like the "*Diogenes*," Government has a brig there, which it has been unable to refit, for the reasons just stated. It has put up the vessel at auction many times, but has never met with any bidder. If such be the case with respect to the vessel, by the stronger reason the same must hold in regard to what was on board, which must all have gone to ruin, so that it is impossible to set sail in the "*Diogenes*" again.

From the antecedent details it is manifest, that the adventure is entirely lost; for, granting even that a vessel might be freighted from hence with all that is necessary for refitting the brig, with provisions, officers, crew, and whatever may be needed for the expedition; the expenses of effecting it would amount to more than what will be obtained at Mozambique, not to mention the difficulties and mischances set forth in the exposition of abandonment.

It is clear, then, that the expedition for which the "*Diogenes*" was intended to the port of Goa is entirely put a stop to, in whatever light the matter may be viewed. It is therefore hoped that your Excellency will return to the Government of Her Most Faithful Majesty the accounts already presented, together with all the accompanying documents, they having been purposely drawn in the mercantile style. Memorialist, furthermore, hopes that your Excellency will transmit all the other papers already presented, that they may produce the desired effect in the proper quarter; for some of them record the greatest outrage which it was possible to commit, and the others irrefragably prove, that it was not the "*Diogenes*" that fired on the "Leveret's" boats, as Commander Bosanquet contended.

Memorialist hopes that the Government of Her Most Faithful Majesty will pay to this just complaint the regard which it deserves; and in order to obviate all doubts, offers, that in case the accounts should appear exaggerated, he is willing to submit them to arbitrators, nominated by both parties, who shall examine and decide upon them.

Memorialist considering to have thus smoothed all difficulties, and resolved all doubts, hopes that your Excellency, with the energy and firmness which characterize you when, in compliance with the functions of your high office, you have to make a representation favourable to the rights of Spanish subjects, will convince the Government of Her Most Faithful Majesty, not only that it is strictly obliged to interpose in demanding, without any delay or pretext, what is required of the Government of Her Britannic Majesty, but that this step is also for its own dignity, seeing that the outrage was perpetrated against all laws and usages of civilized nations, as well as in manifest violation of the law of nations, having taken place in its territory. It ought, likewise, with all the warmth called for by the case, to insist on the above indemnity; for, unless this be done, Memorialist would find himself reduced to the hard necessity of framing his reclamation, as authorized by the common law, directly against the Government of Her Most Faithful Majesty.

Your Excellency will find annexed two documents, the one containing an addition to the general account already presented, together with the value of the brig "*Diogenes*," and of her cargo; and the other, a statement of what has been disbursed for opinions, representations, certificates, translations, and agencies, relative to this reclamation.

God preserve your Excellency many years.

JUAN J. PEOLI.

Lisbon, 31st January, 1838.

Sub-Enclosure A. in No. 94.

(Translation.)

A GENERAL ACCOUNT of the original outlay, expenses, damages, and prejudices, as also depredations, suffered by the crew of the Spanish brig "*Diogenes*," Captain Juan J. Peoli, during the horrible outrages committed by the brig of Her Britannic Majesty, the "*Leveret*," Charles John Bosanquet, Commander, in the port of Mozambique, on the 25th September, 1836, the former being bound for Goa, in Asia, namely—

	Marks of the Documents.	Dollars and Reals of America.
Original outlay of the expedition on departing from the Havana	A.	72,468 1½
Assurance on 72,468 dollars 1½ reals, on her outward-bound voyage, being four per cent.	B.	2,898 6
Value of freight, according to contract	C.	25,000
Return commission belonging to Don Juan Vazquez, taking the value of the cargo at least at 200,000 dollars, five per cent.		10,000
Commission to the Captain and Master for the whole adventure complete till its sale at the Havana, twelve per cent.		24,000
Interest on the capital of 34,093 dollars 2½ reals (as appears from the account letter D) expended by the freighter, without computing the interest accruing from the funds which he was to take up in the East Indies	D.	17,046 5½
Amount of wages, according to account	E.	27,445
Interest, on the capital, &c., taken by violence from the Captain, by account	F.	1,672
Ditto, ditto, from the officers, ditto	G.	2,315
Ditto, ditto, from sailors, servants, and boys, in money and clothing	H.	5,290
Expenses of the Captain, according to account	Y.	1,487
Interest on the capital of 736 dollars taken from the Captain of the " <i>Diogenes</i> ," in ready money, as appears from the account F		368
Interest on the sum of 1,442 dollars, 4 reals, being the amount of the effects taken from the officers of the " <i>Diogenes</i> ," exclusive of the value of wearing apparel in use, as specified in the account marked G		721 2
Interest on the sum of 790 dollars 4 reals, being the amount of the specie taken from the sailors, boys, &c., of the " <i>Diogenes</i> ," as stated in the account marked H		395 2
		1,484
		191,107 4½

Observation.—Remain pending, for the purpose of being charged at the proper time, all the expenses either already occasioned, or which still may be incurred, by making this complaint; as well as the interest on the whole import of this account from the 30th of June of the present year forward, besides the commission of five per cent. due to Captain Peoli for undertaking a voyage to Europe with the view of preferring the above complaint, as well as the indemnity payable to the relatives of the killed, to the wounded, &c.

(Signed) JUAN J. PEOLI.

Lisbon, July 1st, 1837.

Sub-Enclosure B. in No. 94.

Addition to the General Account presented, dated July 1st, 1837.

	Dollars.	Reals.
Total sum of the general account	191,107	4½
Interest on the preceding sum, from the last of June, 1837, to the last of January, 1838, being seven months, at six per cent. per annum	6,688	6
Paid to the advocate, Mr. Marcelino José Aliz Macombo, for defence, and other official exertions, according to Document J	3,000	
Expenses of Captain Peoli from the 24th March, 1837, the day of his arrival in this capital, to this day, being 314 days, at 3½ dollars	1,099	
	201,895	2½
Commission due to Captain Peoli, on account of his having come to Europe to prefer the present complaint, comprehending a period of eleven months and a half from his departure from Havana	10,094	6
	211,990	½
Abatement to be made for what is deposited at Mozambique, as appears from the items specified under letter K	30,135	
Total balance	181,855	½

The expenses of the Captain, and the interest on the amount of the general account, are computed up to this day, to which will have to be added, the expenses and the interest, which may arise from this day up to that when the claim shall be satisfied.

Lisbon, January 31, 1838.

(Signed) JUAN J. PEOLI.

J.

Marcellino Joze Alvez Macombo, Bachelor, duly created by the University of Coimbra, and Advocate in the tribunals of this Court and City of Lisbon, &c. &c. &c.

I, the Undersigned, declare that I have received from Mr. Juan J. Peoli the sum of two contos and 700,000 reis, in specie, by way of gratuity for professional opinions, and examination of all the documents, edicts, translations, requisitions, and other acts, having reference to his complaint of the outrage committed by the English brig "Leveret," Charles John Bosanquet, Commander, in the Bay of Mozambique, against the Spanish brig "Diogenes," under the command of the said Peoli.

(Signed) MARCELLINO JOZE ALVEZ MACOMBOA.
Lisbon, January 24th, 1838.

K.

Value of the brig "Diogenes," Captain Peoli, and of her Cargo, deposited at Mozambique, and being about to be delivered up to him.

Marks.		Dollars.	Dollars.
C. P.	Three large boxes (Nos. 1 to 3), containing 3,000 dollars each, as per invoice	9,000	
A. P.	Two ditto (Nos. 4 and 5), ditto, ditto.	6,000	
V. M.	One ditto (No. 6), containing 1,112 dollars	1,112	
			16,112
	A bag with 345 dollars, as specified in documents from Mozambique		345
	Seven small gold coins		14
	479 Spanish ounces, at 16 dollars, according to their value at Mozambique		7,664
	Valuation of the brig, with all her appointments and appurtenances, lodged in depôt, and belonging to the expedition of the "Diogenes," excepting what is specified above		6,000
	Sum total. Dollars		30,135

Lisbon, 31st January, 1838.

(Signed) JUAN J. PEOLI.

Copies of former Correspondence, alluded to in the preceding note.

No. 1.

M. de Ribeiro to Viscount Palmerston.—(Received May 26th, 1837.)

LE Soussigné, Chargé d'Affaires de Sa Majesté Très Fidèle près du Gouvernement de Sa Majesté Britannique, a reçu l'ordre de sa Cour de porter à la connaissance de Son Excellence Monsieur Le Vicomte Palmerston, Principal Secrétaire d'Etat de Sa Majesté Britannique au Département des Affaires Etrangères, la copie ci-jointe d'une lettre officielle de la Commission (Junta) du Gouvernement de Moçambique, adressée à l'Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté Très Fidèle à la Cour du Brésil, aussi bien que les pièces justificatives que s'y réfèrent.

Il est prouvé par tous ces documens, que le bâtiment de guerre de S. M. B. "le Leveret," se trouvant à l'ancre dans la barre de Moçambique, le 20 Septembre dernier, le Commandant Monsieur Charles Jean Bosanquet entra le port dans un bateau avec six soldats armés, et en manifesta mépris des Autorités et du pavillon Portugais, qu'il devait respecter, il osa visiter tous les bâtimens qui étaient dans le port, y laissant les dits soldats, jusqu'à ce qu'il eut fini la visite.

Ce procédé illégal et téméraire fut une complète violation du droit de la souveraineté, et de l'indépendance de la Couronne de Portugal, et tout-à-fait différent de ce qu'on devait s'attendre du Commandant d'un bâtiment de guerre d'une nation alliée, qui y avait été amicalement accueilli, et qui ne pouvait avoir jamais aucun droit de se mêler de la police du port, à laquelle il était lui-même sujet, puisqu'il ne pourrait jamais y être admis sans cette sujétion sousentendue et tacite.

Un tel procédé devient encore plus aggravant, étant une infraction manifeste de l'Article 2^e des Instructions annexées à la convention du 28 Juillet, 1817, dans lequel déjà pour obvier à de telles violences, on a inséré la détermination suivante qui est fort positive.

" Il ne pourra être visité ou détenu, sous quelque prétexte ou motif que ce soit,

“ aucun bâtiment marchand, ou employé à la traite des nègres, pendant qu'il sera dans un port, ou dans une baie, appartenante à une des deux hautes parties contractantes, ou à la portée de coup de canon des batteries de terre, mais le cas échu qu'ils fussent rencontrés dans cette situation des bâtimens suspectés, ils se pourront faire les représentations convenables aux autorités du pays, en leur demandant qu'elles prennent des mesures efficaces pour obvier à de semblables abus.”

Quand même le Commandant du “ *Leveret* ” n'aurait pas connu tous les principes du droit des gens, qu'il a violés par ce procédé, il ne pouvait nullement ignorer cette détermination de ses instructions, qui sont en pleine force, et auxquelles il était obligé de se conformer strictement, suivant la convention citée ; et s'il en avait reçu d'autres, en sens contraire (ce qu'il paraît alléguer dans ses Dépêches adressées à la dite Commission du Gouvernement, mais qui est tout-à-fait incroyable), le Gouvernement Portugais ne pourrait jamais reconnaître au Gouvernement Britannique, le droit de pouvoir donner des instructions si opposées à la dite convention, et tomberait encore moins dans une telle abnégation de ses plus incontestables droits, au point de tolérer qu'elles fussent mises à exécution dans ses ports.

La faiblesse avec laquelle la dite Commission a relevé cette première hardiesse du Commandant du “ *Leveret*,” se bordant seulement à la lui blâmer, l'a rendu plus audacieux et plus téméraire, le persuadant peut être qu'il n'y aurait rien qu'il ne put tenter.

Le même bâtiment se trouvant à l'ancre dans la même barre le 25 du dit mois, et en ayant le pavillon du Brésil, le bâtiment Espagnol “ *Diogène* ” entra le port, et à peine il y avait ancré, que le “ *Leveret* ” leva l'ancre, et hissant le pavillon Anglais, ayant les sabords ouverts et l'artillerie prête, passa la barre, et se refusant à obéir à l'intimation qu'on lui a faite de jeter l'ancre en passant devant la forteresse, alla bien en sûreté tomber sur le bâtiment Espagnol, qu'il aborda d'une manière peu généreuse, pendant que l'équipage du “ *Diogène* ” qu'à peine avait ferlé les voiles, se trouvait dépourvu, désarmé, et plein de confiance, dans l'entière sécurité qu'il devait trouver dans un port d'une nation alliée.

Plusieurs personnes de la garnison du “ *Diogène* ” ont été barbairement assassinées par celle du “ *Leveret*,” quelques unes sabrées, et d'autres se jetèrent à l'eau, où l'on fit feu sur elles, se sauvant à bord seulement deux pilotes, le Contre-Maître, et vingt-six matelots, qui se sont réfugiés à la cale, et que le Commandant du “ *Leveret* ” et sa garnison, déjà assoubis de carnage, ont fait prisonniers.

Le Chef des Preposés de la Douane, et le Pilote du Port, qui, à cause de leurs emplois, étaient allés à bord du bâtiment Espagnol, ont été également poursuivis par l'équipage du “ *Leveret* ” et forcés à se jeter à l'eau, pour se sauver ; et deux Espagnols, qui s'étaient réfugiés dans la chaloupe du Pilote du Port, y ont été massacrés, sans aucun égard pour le pavillon Portugais qu'y flottait.

Le Commandant du “ *Leveret* ” annonça cet événement inoui à la Commission du Gouvernement, comme s'il avait fait un acte méritoire et de bravoure, sous prétexte que le dit bâtiment Espagnol était pirate, et employé à la traite des nègres, et le même qui en pleine mer lui avait antérieurement tué un homme et blessé d'autres, lorsqu'il voulait le visiter ; le dit Commandant ayant eu en outre l'audace de demander encore à la Commission une satisfaction, parceque de la forteresse on avait tiré quatre coups de canon, deux à poudre et deux à boulet, pour le forcer à rentrer dans ses devoirs.

La même Commandant se refusa à rendre à la Commission du Gouvernement le bâtiment Espagnol, pour rester en dépôt jusqu'à la décision finale des deux Gouvernements Portugais et Britannique, comme elle lui proposa, et quoiqu'à la fin il promit de le faire, il ne se résolut à le rendre, aussi bien que l'argent, les papiers, et les prisonniers qui étaient en son pouvoir, qu'après que la forteresse eut tiré sur le même bâtiment Espagnol, que le Commandant du “ *Leveret* ” tout en manquant à sa parole, remorquait pour le faire sortir de la barre, d'où il s'en alla lui-même, le 30 Septembre.

Ainsi le territoire des possessions de la Couronne de Portugal a été violé, et sa souveraineté et son indépendance attaquées de la manière la plus scandaleuse.

Les contrebandiers qui font l'odieuse traite des nègres ne sont pas considérés comme pirates par les lois Portugaises, quoique très sévères contre eux ; et quand même l'équipage du “ *Diogène* ” aurait été réellement pirate comme le Commandant du “ *Leveret* ” l'affirme dans ses Dépêches, une fois entré dans un port quelconque il n'appartient qu'aux Autorités du pays de rendre justice aux réclamations qu'à leur égard puisse faire le Commandant de quelque bâtiment de guerre qui le pour-
suive, quels que soient les outrages qu'il aurait reçus de lui en pleine mer.

Avec l'ordre que le soussigné vient d'exécuter, en présentant ces documens à la connaissance de Son Excellence, il à aussi reçu la plus positive recommandation de manifester à Son Excellence, et par son entremise, à tout le Gouvernement de Sa Majesté Britannique, combien il est pénible au Gouvernement de Sa Majesté Très Fidèle de se voir dans la nécessité d'avoir à se plaindre contre le Commandant du "Leveret," étant le même Officier qui, quelques mois avant, rendit dans le même port des services importans à la Couronne de Portugal. Mais l'observance des lois de la société est de la plus grande transcendance pour la conservation des états, et si on les laisse fouler aux pieds, il n'y aura pas une nation qui puisse être sûre de sa tranquillité, et pas même de son existence comme nation indépendante, quelles que fussent les mesures de sagesse, de justice, et de modération qu'elle voulut adopter.

Le Portugal perdrait même la considération bien méritée des autres Puissances, si son Gouvernement ne faisait tous les efforts pour faire respecter son indépendance et sa dignité, honteusement offensées par des attentats si criminels, spécialement lorsqu'un de ces attentats se dirigea contre un bâtiment d'une nation alliée, avec laquelle il a fait cause commune, pour repousser les attaques furieuses que le fanatisme politique et religieux lui adresse, et laquelle ne laissera pas de faire au Gouvernement Portugais des réclamations énergiques, en demandant la réparation de l'outrage, et du tort, souffert par son bâtiment dans le dit port, où flottait le pavillon Portugais, sous la protection loyale duquel il devait compter en toute sécurité.

Les principes de politique éclairée, et de rectitude, qui dirigent le Gouvernement Britannique, donnent tout espoir que non-seulement, il désapprouvera hautement l'inexcusable et criminelle conduite du Commandant du "Leveret," mais qu'il fera donner au Gouvernement de Sa Majesté Très Fidèle une satisfaction, proportionnée à l'énormité de l'affront reçu.

Cette satisfaction ne sera qu'une correspondance bien méritée à l'attention bien prononcée, avec laquelle le Gouvernement de Sa Majesté Très Fidèle s'est toujours prêté à toutes les réclamations du Gouvernement Britannique, fondées en justice ou en pure équité. Elle rehaussera bien plus la suprématie maritime de la Grande Bretagne, faisant voir que de même que ce pays est prêt à l'employer pour repousser quelque offense qu'on lui fasse, il ne permet pas non plus, que les Officiers de sa Marine, sur aucun point du globe, abusent du pouvoir qui leur est confié; et elle rendra aussi son alliance plus appréciée et plus respectée, manifestant que le Gouvernement Britannique, étant vigilant et prompt à réparer les torts faits à son allié par ces propres sujets, il lui fera, avec encore plus d'efficacité, rendre justice, par quelque autre puissance étrangère, qui puisse l'outrager.

Le soussigné, &c.,

(Signé)

LE CHEVALIER DE RIBEIRO.

à Londres, ce 26 Mai, 1837.

à son Excellence M. Le Vicomte Palmerston, G. C. B.

&c.

&c.

&c.

Translation.

The Undersigned, &c., has received directions from his Court to bring to the knowledge of his Excellency Viscount Palmerston, &c., the enclosed copy of an official letter, addressed by the Junta of the Government of Mozambique to the Envoy of Her most Faithful Majesty at the Court of Brazil, together with the justificatory documents which refer to it.

It is proved by all these documents, that His Britannic Majesty's ship "Leveret," being at anchor at the bar of Mozambique, on the 20th of September last, her Commander, Charles Bosanquet, entered the port in a boat with six armed soldiers, and that in open contempt of the Portuguese authorities and flag, which he ought to have respected, he ventured to visit all the vessels which were in the port, leaving on board the said soldiers, until he had finished the visit.

The illegal and audacious proceeding was a complete violation of the right of Sovereignty, and of the independence of the Crown of Portugal, and not at all what was to be expected from the Commander of a ship-of-war of an allied nation, who had been amicably received there, and who could have no right to interfere with the police of the port, to which he himself was subject, seeing that he could not have been admitted, unless his being so subject thereto was tacitly understood.

Such a proceeding was the more aggravating, as it was a manifest infraction of the second Article of the Instructions annexed to the Convention of July 28, 1817,

CLASS B.

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in which, for the very purpose of preventing such acts of violence, the following very positive decision has been inserted :—

“No merchantman or Slave ship can, on any account or pretence whatever, be visited or detained whilst in the port or roadstead belonging to either of the Two High Contracting Powers, or within cannon-shot of the batteries on shore. But in case suspicious vessels should be found so circumstanced, proper representations may be addressed to the authorities of the country, requesting them to take effectual measures for preventing such abuses.

Even supposing that the Commander of the “*Leveret*” had not known all the principles of the law of nations, which he has violated by this proceeding, he could not have been ignorant of this decision of his instructions, which are in full force, and to which, according to the Convention above cited, he was under obligation to conform strictly; and if he had received other orders in a contrary sense (as he apparently alleges in the Despatch which he addresses to the said Junta, but which is utterly incredible), the Portuguese Government can never recognise the right of the British Government to give instructions so opposed to the said Convention, and would still less fall into such a denial of its most incontestable rights, to go so far as to tolerate their being executed in its own ports.

The weakness with which the said Junta took up this first bold act of the Commander of the “*Leveret*,” confining itself simply to blaming him for it, rendered him more audacious and daring, persuading him, perhaps, that there was nothing which he might not attempt.

The same ship being at anchor at the same bar, on the 25th of the same month, and having the Brazilian flag flying, the Spanish vessel “*Diogenes*” entered the port, and had but just anchored there, when the “*Leveret*” weighed, and hoisting the English flag, having her ports open and guns ready, passed the bar; and, refusing to obey the intimation made to her in passing before the fortress, to cast anchor, went securely to fall on the Spanish vessel, which she approached in an ungenerous manner, while the crew of the “*Diogenes*,” which had but just furled the sails, were unprepared, disarmed, and in full confidence in the entire security which they ought to find in a port of an allied nation.

Many persons of the crew of the “*Diogenes*” were barbarously assassinated by those of the “*Leveret*,” some were sabred, and others threw themselves into the sea, where they were fired upon; those on board who were saved being only the two pilots, master’s mate, and twenty-six sailors, who took refuge in the hold of the vessel, and whom the Commander of the “*Leveret*” and his crew, already satisfied with carnage, made prisoners.

The Custom-house Officer and the Port Pilot, who in the course of their official duties and employment had gone on board the Spanish vessel, were also equally pursued by the crew of the “*Leveret*,” and forced to throw themselves into the water to save themselves; and two Spaniards who had taken refuge in the shallop of the Port-Pilot were massacred there, without any regard for the Portuguese flag which was flying there.

The Commander of the “*Leveret*” announced this unheard-of event to the Junta of Government, as if he had done a meritorious and gallant action, under the pretext that the said Spanish vessel was a pirate, and employed in the traffic in slaves, and was the same which in the open sea had before killed one of his men and wounded others, when he wished to visit her; the said Commander having moreover had the audacity to demand further of the Junta satisfaction, because the fortress had fired four times, twice with powder, and twice with ball, to force him to return to his duty.

The said Commander refused to give the Spanish vessel up to the Junta, in order that she might remain in deposit until the final decision of the Portuguese and British Governments, as was proposed to him; and although at last he promised to do so, he did not decide upon giving her up, with the money, papers, and prisoners, which were in his power, till after the fortress had fired on the said Spanish vessel, which the Commander of the “*Leveret*,” contrary to his promise, weighed, for the purpose of taking her outside the bar; whence he sailed himself on the 30th September.

Thus the territory belonging to the Crown of Portugal has been violated, and its sovereignty and independence attacked, in the most scandalous manner.

The contraband traders, who carry on the odious traffic in negroes, are not considered as pirates by the Portuguese laws, although those laws are very severe against them; and even if the crew of the “*Diogenes*” had really been pirates, as the Commander of the “*Leveret*” affirmed them to be in his Despatches, which

once they had entered into any port, it belonged only to the Authorities of the country to render justice to the representations, which the Commander of any ship-of-war might make respecting them, whatever might be the outrage which he had received from them in the open sea.

With the command which the undersigned has just executed, in bringing these documents to the knowledge of his Excellency, he has likewise received the most positive instruction to make known to his Excellency, and by his means to all His Britannic Majesty's Government, how painful it is to the Government of Her Most Faithful Majesty, to find itself under the necessity of having to complain against the Commander of the "Leveret," who is the very same officer who, some months before, rendered in the same port important services to the Crown of Portugal. But it is of paramount importance to the preservation of states, that the laws of society should be observed, and were they permitted to be trodden under foot, there would not be a nation which could be sure of its tranquillity, nor even of its existence as an independent state, whatever measures of wisdom, justice, and moderation it might be desirous of adopting.

Portugal would even lose the well-deserved consideration of other powers, if her Government did not make every effort to keep up her respected independence and dignity, which have been shamefully affronted by these very criminal attacks, and especially when one of these attacks was directed against a vessel belonging to an allied nation, with which she had made common cause to repel the furious attacks made upon her by political and religious fanaticism, and which will not fail to make energetic representations to the Portuguese Government, demanding reparation for the outrage, and for the loss suffered by its vessel in the said port, where the Portuguese flag was flying, under the faithful protection of which she ought to have counted on being in perfect safety.

The principles of enlightened policy and of rectitude which direct the British Government, give every hope that it will not only highly disapprove the inexcusable and criminal conduct of the Commander of the "Leveret," but that it will cause to be given to the Government of Her Most Faithful Majesty, satisfaction proportioned to the enormity of the affront received.

Such satisfaction will be but a well-merited return for the decided attention with which the Government of Her Most Faithful Majesty has always lent itself to the representations of the British Government when founded in justice or in pure equity. It will very much raise the maritime supremacy of Great Britain, showing that while that country is ready to employ that supremacy to repel any offence which may be offered to her, she does not permit the officers of her navy, in any part of the globe, to abuse the power confided to them; and further, it will make an alliance with her more appreciated and more respected, manifesting that the Government of Great Britain, being vigilant and prompt in repairing the wrongs done by her subjects to her ally, will cause even more effectual justice to be done to herself, by any other foreign power who may offend her.

(Signed)

THE CHEVALIER DE RIBEIRO.

London, May 26, 1837.

(Translation.)

Enclosure in No. 1

The Junta of Mozambique to the Portuguese Minister at the Court of Brazil.

MOST ILLUSTRIOUS AND MOST EXCELLENT SIR,

THE Junta of the Government of this province has the honour to inform your Excellency of the atrocious insult offered to the Portuguese flag by Charles John Bosanquet, Commander of the British brig "Leveret," in order that your Excellency may take such steps as you shall deem proper. On the 25th of last September, a brig, under Spanish colours, was standing for this port, and received on board the Chief Pilot, to conduct her over the bar, where the "Leveret," under Brazilian colours, was at anchor. Having let the Spanish brig pass, the "Leveret" weighed anchor, and, still preserving the Brazilian flag, followed the former; on going past the fort, the "Leveret" hoisted English colours. She was ordered to drop her anchor, by reason of having entered with her ports open and her guns out. The "Leveret" answered "I won't," stood right into the port, and at four o'clock in the afternoon boarded the Spanish brig, which was anchored in the port. The men of the "Leveret" slashed at every one they met on board the brig, so that the Chief Pilot and the Head Inspector of the Custom-house were obliged to jump into

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their boats, and were followed thither by the English, and they found it necessary to throw themselves into the water. The audacity and want of respect in the English went such lengths, that they put to death two Spaniards in the Pilot's boat, which bore the national flag; thus in the most atrocious manner insulting the colours of Portugal. During this outrage the fortress fired twice without ball, and afterwards discharged two shots to put an end to the carnage which the "*Leveret*" so barbarously committed on the unarmed crew of the Spanish brig, some of whom, however, jumped into the sea, and were partly picked up by the boats of some merchant vessels, and partly saved themselves by swimming; most of them ran for shelter down into the hold, and were made prisoners by the English, who by this time seemed satiated with human blood. Soon after, the Commander of the "*Leveret*" sent an officer on shore, to say, that on the 9th of September, that very Spanish brig had killed one of his men in his boats, and wounded three, which was the reason for his boarding her. The answer sent back to the Commander was, that he should send this information in writing, which he did not do till eight o'clock in the evening. We then addressed to him the letter No. 1. The Commander of the "*Leveret*," had already, on the 20th of September, written to us, that some brig had killed one of his men, and wounded three. It was replied, that in case the brig, such as he had described her, entered the port, the proper steps would be taken. If, therefore, even the Spanish brig had been the offender, and even if the commander of the "*Leveret*" had not written on the 20th of September, or had received no reply to it, his duty required him to have laid his complaint before the Government on shore, as he was already under the protection of its flag. When Bosanquet received our letter No. 1, he delivered his report of what he had done in this harbour, and returned his answer No. 1, to our letter No. 1.; after we had sent him our letter No. 2. He then repaired to the fort, saying, among other things, that this was a good prize, and his instructions gave him full authority for the manner in which he had proceeded, even in ports, and that he demanded satisfaction for the insult done to the British flag by the two shots fired the evening before. To this it was replied, with dignity, that it was the Portuguese flag that had been insulted, for which we requested satisfaction; namely, that the Spanish brig "*Diogenes*," with all that belonged to her, must be left as a deposit, till the Governments of Her Most Faithful Majesty, and of His Britannic Majesty should decide on her destination. He said he should have the prize, but as he might have occasion to put to sea, he desired to know whether the "*Leveret*" would be detained. By no means, it was answered. The moment he had returned on board, he weighed anchor, and making his prize do the same, was going by stealth to cross the bar, in consequence of which we wrote to him our letter No. 3. As he returned no answer, and proceeded on his voyage, the fort discharged two shots, without aiming at the "*Leveret*." Her Commander now despatched an officer to the fort, to say, that he was prepared to surrender the brig, and that we might send to take charge of her; but that it was his determination not to have any more correspondence in writing with the fort, or any communication with the shore. It was intimated to the officer that charge would be taken of the prize presently. No sooner was the officer returned on board, than he was sent back to demand satisfaction for the shots that had been fired. The answer purported, that the Junta of the Government had definitively resolved, and declared repeatedly, both by letter and by word of mouth, that the Commander of the "*Leveret*" should give up the brig "*Diogenes*" with all that belonged to her, and that his final answer was expected within two hours, to enable the Junta to take such measures as should be proper. No answer was given, and as it was already late, we, on the 27th, in the morning, addressed to him our letter No. 4, to which he replied, what appears in the minute appended to it. The Commander of the "*Leveret*" was never inclined to listen to our just complaints, though we treated him with the greatest courtesy, not only because he belonged to a nation so long allied to ours, but also on account of the services he had personally rendered to this Captaincy on the 14th of June, instant. We sent several times an officer to take charge of the brig "*Diogenes*," which had been improperly captured, but he always refused to admit him.

At last, rather than use violence, we sent on board the "*Diogenes*," then in the possession of the English, an officer accompanied by two soldiers; and the reply given to the former is recorded in a Memorandum. It was only then that, after exhausting all fair and courteous methods for indicating the dignity of the Portuguese flag, we found ourselves obliged to direct the fort to fire some shots at the "*Diogenes*," as the latter was the object of the dispute; we proceeded, however,

with the respect due to a brig of His Britannic Majesty; that is, the firing was now and then suspended. At last, the Commander of the "Leveret" sent an officer into the fort, accompanied by the Commander of the "Diogenes," to know what was our object; our answer was what we had many times required in a fair and civil manner; the officer commissioned to carry this message had to go several times on board and back to the fort; till this troublesome business ended in our taking possession of the brig "Diogenes" on the 27th, at five o'clock in the afternoon, while part of her crew and papers remained on board the "Leveret." On the 28th, in the morning, a Commission was appointed to inventory what belonged to the "Diogenes," and to examine her papers, when the Letter No. 5 was addressed to the Commander of the "Leveret," to which he replied what is set forth in the Minute appended to it. Shortly after he came to the fort, and, after a long conference, promised to deliver up the prisoners whom he had on board, as also the twenty-four thousand dollars, and all the papers belonging to the brig "Diogenes." On the conclusion of this conference, we addressed to him the letter No. 6; on the evening of the 28th were landed from on board the "Leveret" the prisoners, eighteen of whom were sent on board the "*Princesa Real*" merchantman, and eight to the Military Hospital, on account of their being partly sick and partly wounded; and on the 29th, in the morning, the Commander of the "Leveret" delivered to the Commission nominated to inventory and examine the "Diogenes" (the President of which Commission presented to him the Letter No. 7) the sixteen thousand dollars in six chests, four hundred and seventy-nine Spanish ounces, seven small gold coins, three hundred and forty-five dollars, and a chronometer, all which remains deposited till the final decision of the affair; and on this occasion the Commander of the "Leveret" sent us by that Commission his letter No. 2, and also gave up the papers of the "Diogenes," triplicates of the requisite documents being made out in conformity with his letter No. 3. On the 30th September the "Leveret" set sail, and by her we sent all the documents, which in so short a time we could get ready, to the Admiral's station at the Cape of Good Hope, that the Government might learn what motive we had for vindicating the honour of the national flag. We also wrote to the Commander of the "Leveret" the letter No. 8, respecting the prisoners, and, in reply, received his, No. 4. He had already, on the 20th September, after casting anchor at the mouth of the bar, taken the liberty, in his usual way, and in total contempt of the Portuguese flag, to enter this port, with a barge containing six armed soldiers, and to visit all vessels, leaving two soldiers in each till the conclusion of the visit, which occasioned representations from their owners, and of which we signified to him our disapprobation.

God preserve Your Excellency.

Palace of St. Paul of Mozambique, 8th October, 1836.

To the Most Illustrious and Most Excellent Minister Plenipotentiary of Her Most Faithful Majesty at the Court of His Majesty the Emperor of Brazil.

(Signed)

CANDIDO DA COSTA SOARES.

ANTONIO RAMALHO DE SA.

PL. CASTODIO JOSE VAZ.

ANTONIO FRANCISCO CARDOZO.

JOSE IGNACIO D'AUDRADE NERI.

Sub-Enclosure 1 in No. 1.

(Translation.)

(Affidavits.)

In the year of the Birth of our Lord Jesus Christ, 1836, the 6th October, in this town, and in the dwelling-house of Doctor Antonio Ramalho de Sa, Justice of Law, whither I, the Secretary employed under him, came together with José Maria, I mean Luiz José Maria, Vicente Magdalena, and José Joaquim d'Almeida, to whom the said Justice tendered the oath, in order that, after taking it, they should say whether they had any knowledge of the English brig "Leveret" having boarded the Spanish merchant-brig "Diogenes," upon which Luiz José Maria, Vicente Magdalena, and José Joaquim d'Almeida, said that, from lying very near, they had seen the "Leveret" attack the "Diogenes," whose men were then just furling sails, and the "Leveret's" men went on board the "Diogenes," armed with cutlasses and pistols, and slashing at the Spanish crew, the greater part of whom would have been murdered on deck, had they not thrown themselves into the sea; they further depose, that they saw the English sailors fire at some Spanish sailors,

who tried to save themselves by swimming, and that the English sailors killed two of the latter, while seven were saved by deponents on board the bark "*Lis Donensa*," whereof the said justice ordered this to be made out in the presence of the witnesses signed underneath, of deponents, and of the said justice. I, Francisco Luiz Gonzago de Sousa, Secretary, to the Justice de Directo, have written this. Sa Louiz José, Maria Vicente Magdalena, José Joaquim d'Almeida.

— Mark of Domador Tacarei.

— Mark of Eimechunde Russgi.

Sub-Enclosure 2 in No. 1.

(Translation.)—*The Chief Surveyor to the Junta.*

MOST ILLUSTRIOUS SIRs,

I HAVE to acquaint you, in compliance with the duties of my office, that there having appeared to-day a sail at the bar, I went out to pilot her in; and on passing the English brig "*Leveret*," then at anchor, near the Isle of Goa, she fired two musket-shots at my boat. I imagined she wanted to urge me to more expedition in reaching the ship, which was approaching the canal. On going on board, I found she was a Spanish brig; and having inquired where she was bound to, the Captain said to Goa, and that having been necessitated to touch at this port, he wished to enter. I immediately conducted her in, and made her cast anchor in front of the Quay of the Palace of St. Paul. Just when the chief guard had gone on board her for her register, the English brig "*Leveret*" entered the port and boarded the Spanish brig, whose men were furling sails, by sending over the bowsprit some sailors armed with cutlasses and pistols; all was confusion, wounds were inflicted, and some men lost their lives. I escaped by throwing myself into the sea, which the chief guard was also compelled to do. I left my boat near the brig, of which, as my men assure me, two sailors, who had jumped into a launch, were killed, and thrown into the sea. I myself, on jumping into the sea, received a great hurt, of which I am still exceedingly ill. I repeat to you, Gentlemen, all this, which I witnessed on board the Spanish brig.

God preserve you, Sirs,

Mozambique, 25th September, 1836,
at Six o'Clock in the Evening.

NIZAMODOR LAMHATHE,
Captain Lieutenant and Chief Surveyor.

Sub-Enclosure 3 in No. 1.

(Translation.)—*Commandant of the Port to the Junta.*

MOST ILLUSTRIOUS SIRs,

TO-DAY, the 25th instant, in the evening a Spanish brig entered, and immediately after an English brig, which before had hoisted the Brazilian flag. The latter was told to cast anchor in front of the Port, in compliance with the standing orders. She replied "I won't." After going a great way beyond the Port with her ports open and her guns out, she boarded the Spanish brig, which was already at anchor. Some men of the latter were observed to throw themselves into the sea to save their lives. In the same manner was obliged to save himself the Chief Guard of the Custom House, who had gone thither in his launch under the Portuguese flag. To stop further hostilities, I ordered the fort to fire twice without ball, and twice with ball. In fine, the Portuguese flag has been insulted in this port. Thus much I have to report to you, Gentlemen.

Fort St. Sebastian,
25th September, 1836.

ANTONIO PAULO SOARES.

Sub-Enclosure 4 in No. 1.

(Translation.)—*The Directors of the Custom-House to the Junta.*

MOST ILLUSTRIOUS SENHORS,

I HAVE just received the enclosed Report from the Chief Guard of the Custom-House, in which he informs me of the insult he received from the English

on board the Spanish brig, while he was in the act of examining her, which I bring under your notice, Gentlemen.

God preserve you, Senhors,

Mozambique, 25th September, 1836.

The Director of the Custom-House,

ANTONIO FRANCISCO CARDOZO.

The Most Illustrious Senhors of the Junta of the Government.

Sub-Enclosure 5 in No. 1.

(Translation.)—*Report from the Chief Guard of the Custom-House to the Director.*

MOST ILLUSTRIOUS SENHOR DIRECTOR,

I INFORM you, Sir, that having repaired on board the Spanish brig, just come into port, with the view of complying with the duties of my office, and being about to require the papers belonging to the Custom-House, the English brig boarded the Spanish. First, an officer, with cutlass and pistol in his hand, jumped over the Spanish bowsprit, and, in the next place, part of the English crew, discharging their pistols, and attacking with their cutlasses all they met. I saw a man who was securing the halliard of the flag fall dead, in consequence of a shot fired from the English vessel. The Spanish Captain also fell, I know not whether from being killed, or from some other cause. Some sailors came running up to me and made me jump into the launch, whither they followed me. I sprung into the sea to escape the fury of the miscreants, who only pursued defenceless men. In the same predicament were the marines, who jumped into the boat of the Surveyor, and from thence into the sea. Two fell down in the boat, being killed, I suppose. The blacks in the launch, the moment that the English had quitted her, rowed up to where I was swimming, and when I had got in I took up as many as had jumped overboard, and who were calling out to me that I would save their lives. As I was retiring, I saw a black sailor in the round top levelling his piece at a Spaniard, who made his escape along a yard, and saved himself by throwing himself into the water. The above is what I had to report to you, Sir, whose orders I respect.

God preserve you, Senhor.

Mozambique, 25th September, 1836.

(Signed)

The Chief Guard,

ANTONIO DUARTE GOMES CASTELLAO.

The Most Illustrious A. F. Cardozo,

Director of the Custom-House.

Sub-Enclosure 6 in No. 1.

(Translation.)

Minute of an Inquest, or Corpus delicti, relative to the wound in the head of a sailor on board the Spanish brig, anchored in this Port, of the name of Luiz Ganori, first mariner.

IN the year of the birth of our Lord Jesus Christ, 1836, the 25th September of that year, in the town of Mozambique, and in the Military Hospital of St. Joao de Deas, at six in the evening, the Spanish brig, lying at anchor in front of the quay of this town, by reason of her having been boarded, there being in the hospital a wounded man, who found means to escape from the Spanish brig and to swim ashore, did I present myself, along with the Minor Judge, the Head Surgeon, and the Head Physician of the Captaincy, Manuel Antonio da Fonseca, and the witnesses signed underneath, with the view of proceeding to the inquest of the wounds still recent in the head of the said sailor; and the head physician, after a scrupulous examination, said that the sailor had a wound in the upper and lateral part of the cranium, seemingly inflicted by some sharp instrument, which had penetrated into the muscles, under the common integument, and as the wound is rather deep and extensive, also accompanied by uneasiness, his life is in danger; to hereof the said Judge ordered the present minute to be drawn up in the presence of the witnesses

and professional men signed underneath, as well as of me, the Notary who wrote and signed it.

(Signed)

CAETANO AVETINO CONTINHO.
 CONSTANTINO FELIPPE RODRIGUEZ.
 JUAZ PEDANES.
 MANOEL ANTONIO DA FONSELA,
Head Physician of the Captaincy.
 JOZE FRANCISCO PESALTO.
 THOMAZ ANTONIO REBEIRO GODINTIO.
 JOZE MARIA DE CARVALHO.

Sub-Enclosure 7 in No. 1.

(Translation.)

Minute of an Inquest held on four Spanish Sailors wounded by the Crew of the English Brig, while that vessel lay at anchor in the Port of this Town off the Quay.

ON the 29th September, 1836, in this town of Mozambique, and in the Military Hospital of St. Joao de Deas, at four in the afternoon, whither I, the Notary, had gone with the Inferior Judge, and with the Surgeon who discharges the functions of Head Physician to the Captaincy, Manoel Antonio da Fonseca, and the witnesses signed underneath, in order to proceed to the drawing up of the minute, relative to the inquest on the four Spanish sailors landed from on board the English brig; and the said Judge having there tendered the oath on the Holy Evangelists to the said practitioner, enjoining him on his oath, without guile or malice, to examine, and faithfully to depose, the wounds inflicted on the said four sailors, with what weapon they might have been given, and how many, how deep, and in what part of the body they were, the said practitioner promised faithfully to comply with it. And having examined every sailor separately, he said that Romao de Costa had a wound in the fore and lateral part of the head, made with a cutting instrument, which wound affected only the common tegument and adjacent textures, and was simple in its nature, as it had no influence on any other part. On Antonia de Souza he observed a wound in the interior and outward part of the arm, with a dangerous fracture of the *radius*; and on the interior part of the thigh, as well as on the outward part of the left arm, there were slight and recent contusions inflicted with some cutting instrument. On Francisco da Silva, the said practitioner observed three wounds, all on the fore part of the head, connected with an incision of the bone, occasioned by a cutting instrument, which merely destroyed the common tegument. On Alexander Castello, he observed a wound sufficiently extensive from the fore part of the head to its hind part, affecting the common texture and adjacent portions, inflicted with a cutting instrument, and simple in its nature. And as nothing further was to be seen on the said four sailors, the said Judge, with the view of putting the examination on record, ordered the present minute to be drawn up, and to be witnessed by all those signed underneath, and by me, the Notary, who wrote and signed it.

CAETANA AVETINO CONTINHO.
 CONSTANTINO FELIPPE RODRIGUEZ.
 JUAZ PEDANES.
 MANOEL ANTONIO DA FONSECA.
 THOMAZ ANTONIO REBEIRO GODINTIO.
 JOZE FRANCISCO PESALTO.
 JOZE MARIA DE CARVALHO.

Sub-Enclosure 8 in No. 1.

(Translation.)

Fort of San Sebastian of Mozambique, at Eight o'clock in the Evening of September 28, 1836.

Proposed Arrest of Captain Bosanquet

ON account of the unheard-of insult, never hitherto committed in any part of the world, and on account of the atrocities which you have perpetrated, and

which makes humanity shudder, inasmuch as your savageness and want of respect for the Portuguese flag, went so far as to commit murders in the Portuguese boats, one of them having come from the Custom-House for examination, it becomes our duty to arrest you, and to compel you to acknowledge this arrest; and under it, to make the necessary communications relative to your proceedings, while you remain accountable to Her Most Faithful Majesty, and to His Britannic Majesty, for all accidents that may take place in case of your unwillingness to comply.

CANDIDO DE COSTA SOARES.

ANTONIO RAMALHO DE SA.

*To the Most Illustrious Mr. Charles John Bosanquet,
Commander of His Britannic Majesty's brig "Leveret."*

Sub-Enclosure 9 in No. 1.

Captain Bosanquet to the Junta.

His Britannic Majesty's brig "Leveret," Mozambique,

YOUR EXCELLENCY,

20th September, 1836.

I HAVE to inform your Excellency that, on the 9th instant, whilst in latitude about 24° 50' S., and longitude about 44° 40' E., I fell in with a Spanish piratical brig, standing to the N.E. Not being able to come up with her on account of her superiority in sailing, I sent a boat from the "Leveret" to visit her, and upon her arriving within a few yards of the brig, she opened a heavy fire of musketry and swivel-guns, killing one man, and wounding severely several more.

She appeared to be a brig of about 150 or 200 tons, very tall masts, raking very much towards the stern, with very square but low royals, and much pole above the royal-yards, with the sail set; she was painted black, with a narrow white streak, which was either very dirty, or of a yellowish tinge, and appeared to be armed with two carronades and swivels; she professed to be 80 days from Havana, bound to Manillo. The most certain proof against her will be her situation, per log, on the 9th of September, 1836. Several men of the "Leveret" are able to swear to two men of the Spanish brig; one of them spoke English with fluency.

I, under these circumstances, appeal to your Excellencies, as the servants of a faithful ally of England, to detain the said brig and her crew, should she arrive within the limits of the harbour of Mozambique, till the arrival of some British man-of-war, as a common enemy to the whole civilized world, and to prevent her committing any further depredations on commerce in general.

I have, &c.

(Signed) C. J. BOSANQUET,

Commander of His Majesty's brig "Leveret."

Their Excellencies the Officers administering the Government of Mozambique.

Está conforme.

FRANCISCO REBELLO DE CARVALHO.

Sub-Enclosure 10 in No. 1.

Captain Bosanquet to the Junta.

*His Britannic Majesty's brig "Leveret," in Mozambique Harbour,
Sunday Evening, 25th September, 1836.*

YOUR EXCELLENCY,

I HAVE to inform your Excellency that the same Spanish piratical brig, that on the 9th instant, fired into the boats of His Britannic Majesty's brig "Leveret," killing one man and wounding most severely several more, as stated in my former letter, having this day passed close to His Britannic Majesty's brig "Leveret," I immediately got under weigh, and chased the said vessel into Mozambique harbour, laying her on board in order to prevent, if possible, the escape of the pirates, &c., also further effusion of blood, which would certainly have been the case had I first anchored, and waited to inform your Excellency of my intention, which under any other circumstances I most certainly should have done; and I am sure your Excellency will feel equally rejoiced with myself, that such an enemy to the civilized world should have been so soon prevented from committing further depredations.

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I must express my extreme surprise to your Excellency, that, with your sanction, several shots were fired from the Fort of Mozambique into His Britannic Majesty's brig "Leveret," although her ensign and pendant were flying. Such conduct towards a faithfully being most insulting, and tantamount to a declaration of war, my duty would have been to have fired immediately into the town and shipping; that I trust I have shown more humanity and forbearance in not doing so, thereby saving great bloodshed on both sides; but I have to demand immediately from your Excellency the most full explanation of such an extraordinary outrage towards one of His Britannic Majesty's vessels, which was at that moment engaged in a cause, for which every civilized nation should have rendered us their thanks (that of suppressing piracy.) I have now to inform your Excellency, that it is my immediate intention to send the said piratical brig to the English Government at the Cape of Good Hope, to be proceeded with as they think proper, and also with the least possible delay to inform the British Admiral on this station of the hostile proceedings, commenced by the Government of Mozambique, against the flag of His Britannic Majesty.

I have the honour to be, &c.,

(Signed) C. J. BOSANQUET,

Commander of His Britannic Majesty's brig "Leveret."

To their Excellencies the Officers administering the Government of Mozambique.

Está conforme,

FRANCISCO REBELLO DE CARVALHO.

Sub-Enclosure 11 in No. 1.

From the Junta to Commander Bosanquet.

*Fort St. Sebastian, in Mozambique, at 8 o'clock in the morning
of the 26th September, 1836.*

(Translation.)

SINCE you have returned no answer to the letter which we yesterday addressed to you, it is our duty to tell you that, even if the Spanish brig, which yesterday put in here, was the vessel which killed one of your men, and wounded some, she cannot be accounted a good prize, in the manner you have done, because it was your duty to prefer a complaint, and prove that it was the vessel that gave the offence; and therefore you cannot carry off the Spanish brig, as she must be left here in deposit, till the decision of our Government, for which measure orders have already been given.

We must also acquaint you that you may come ashore, for it is very necessary for you to give up all the documents of the ship which you have unduly captured, and also that we may communicate with each other, which to do by writing occasions great delay; and we inform you that you may come without fear, as we know how to respect the law of nations. Besides, you will not be able to sail from hence, without receiving Despatches from the Junta of the Government to your Admiral at the Cape of Good Hope. The Government requires you to give up to it immediately the crew of the said Spanish brig in the state in which it is.

(Signed)

CANDIDO DA COSTA SOARES.

ANTONIO RAMALHO DE SA.

To the Most Illustrious Mr. Charles John Bosanquet,

Commander of His Britannic Majesty's brig "Leveret."

Sub-Enclosure 12 in No. 1.

Captain Bosanquet to the Junta.

*His Britannic Majesty's brig "Leveret," in Mozambique Harbour,
Sunday Evening, 25th September, 1836.*

YOUR EXCELLENCIES,

IN answer to your Excellencies' letter of this evening, I have to state my surprise at your attempting to imprison a British officer for having done so praiseworthy an act as that of capturing a diabolical pirate, which it has ever been the custom for all nations to seize upon in all places, to prevent the escape of the pirates; many instances of which I could enumerate to your Excellency which have been carried into effect in foreign European harbours by English men-of-war.

Your Excellencies' conduct has been so extraordinary and unwarrantable, that I must refuse to give any other answer to your letter, than that I leave this insult committed against the British flag to be settled between the two Governments, not having a sufficient power at present under my command to resent such an insult.

I have, &c.

(Signed) C. J. BOSANQUET,

Commander of His Britannic Majesty's brig "Leveret."

Està conforme,

FRANCISCO REBELLO DE CARVALHO.

Their Excellencies the Officers

administering the Government of Mozambique.

Sub-Enclosure 13 in No. 1.

The Junta to Commander Bosanquet.

(Translation.)

Fort St. Sebastian of Mozambique, at One in the Afternoon of Sunday 25th September, 1836.

THE Portuguese Government intimates to you, till such time as it shall give you a decisive answer respecting the occurrences brought about by you in this port, and relative to the honour of the nation compromised by you, that your vessel may continue her duty; but it is bound to let you, as well as all English subjects on board the brig, know, that the Commander of the said brig "Leveret" cannot, and is directed in the names of His Britannic Majesty, and of Her Most Faithful Majesty, not to make the attempt to go out beyond the bar, until those matters shall have been decided, for which, as well as all others that may occur, the said officers and all English subjects of the above-mentioned brig "Leveret" shall be responsible.

(Signed)

CANDIDO DA COSTA SOARES.

ANTONIO RAMALHO DE SA.

PADRO COSTODIO JOZE VAZ.

ANTONIO FRANCISCO CARDOZO.

JOZE IGNACIO D'ANDRADE RESI.

N.B.—The Commander of the brig has promised not to quit this port, without taking with him the communications of both Governments, till to-morrow night.

To the Most Illustrious Mr. Charles John Bosanquet,

Commander of His Britannic Majesty's brig "Leveret."

Sub-Enclosure 14 in No. 1.

(Translation.)

The Junta to Commander Bosanquet.

Fort St. Sebastian, Mozambique, 27th September, 1836.

MOST ILLUSTRIOUS SIR,

THIS Government having yesterday, the 26th instant, determined that you shall give up the Spanish brig which, on the 25th of the same, you boarded, and incompetently made a prize of in this port, thereby violating all laws of nations, and casting a slur on the Portuguese flag, the Junta of the Government has come to the resolution that you do immediately surrender the said Spanish brig to the officer and crew of the Portuguese Marine, who herewith present themselves to you; and thereafter you shall give up the other appurtenances, documents, and other effects of the brig just mentioned, to a Commission which the Government will apprise you of when appointed, resting assured that in case any unwillingness be shown on your part as to the delivery of the same, the Government will find itself under the hard necessity of employing force to execute the sentence desired to you; and this Junta makes you responsible before Her Most Faithful Majesty and His Britannic Majesty for any fatal accidents that may occur.

God preserve you, Sir,

CANDIDO DA COSTA SOARES.

ANTONIO RAMALHO DE SA.

PADRO COSTODIO JOZE VAZ.

ANTONIO FRANCISCO CARDOZO.

To the Most Illustrious Mr. Charles John Bosanquet,

Commander of the English brig "Leveret."

Sub-Enclosure 15 in No. 1.

(Translation.)

Report of Officer to Junta.

IN the year of the birth of Our Lord Jesus Christ, 1836, the 27th of September, at eleven o'clock of that day, in this Fort St. Sebastian at Mozambique, presented himself the "graduated" Captain of this garrison, Jozé de Silva Pimentel Maldonado, who had been commissioned by the Government to take a letter, which was given him open, to Charles John Bosanquet, Commander of His Britannic Majesty's brig "Leveret," and on returning that letter to the Government, said that having gone on board the said brig for the purpose alluded to, he had not found her Commander, and had waited till he came from the Spanish brig which he had improperly captured, and, in presenting to him the letter, had demanded an answer on the part of the Government; upon which the said Bosanquet had gone down into his cabin, with the letter in his hand, and, after staying for some time, had returned on deck, and said to the graduated Captain, in giving him back the letter closed in a manner different from what he had received it, that on the 26th, in the evening, he had already sent his definitive answer to the Government, and that therefore he had no other reply to make to it, on which account he returned their letter. More did the said Captain not say, and signed along with the witnesses who were present at this interview, whereof I, Jozé Luiz da Silva, made out this minute and signed it.

(Signed)

JOZE LUIZE DA SILVA.

JOZE DA SILVA PIMENTEL MALDONADO.

JOAQUIM PEDRO DA SILVA LODO.

Sub-Enclosures 16 in No. 1.

(Translation.)

Report of Officer to the Junta.

IN the year of the birth of our Lord Jesus Christ, 1836, the 27th September, at half-past three o'clock in the afternoon of the said day, in this Fort St. Sebastian, at Mozambique, appeared the Lieutenant-Adjutant of that Fort, Jozé Antonio dos Santos, who had been directed by the Government to go and take possession of the Spanish brig "*Diogenes*," improperly captured by His Britannic Majesty's brig "Leveret." And having acquainted the English Officer who was in charge of the said brig, that he had come for that purpose, the Officer made answer that he might withdraw, for that he, the Officer, would not make the surrender. The said Lieutenant-Adjutant did not say any more, and signed with the witnesses who were present at that communication. And I, Manuel Conea da Coneigao, Adjutant of the orders of the Government, who by order of the same Government wrote and signed this minute.

MANUEL CONEA DA CONEIGAO.

JOZE ANTONIO DOS SANTOS,

Adjutant of the Fort, St. Sebastian.

JOZE DA SILVA PIMENTEL MALDONADO.

ANTONIO MANVEL PINTO RANGEL.

Sub-Enclosure 17 in No. 1.

(Translation.)

*From the Junta to Commander Bosanquet.**Fort St. Sebastian, Mozambique,**Half-past Eleven o'clock a. m. of the 28th September, 1836.*

It is necessary for you, Sir, at twelve o'clock, to have the goodness, either in person, or by means of a delegate, to attend for the purpose of delivering on board the Spanish brig all the papers belonging to the said brig, in the presence of a Commission, who at the said hour will be on board the said brig, with the view to inventory the appurtenances and effects of the said brig, and to make out a certified list of all her papers, to the end that we may address the proper communications to our Government. You will also deliver to us the prisoners kept on board His Majesty's brig "Leveret" under your command, it being understood that you, Sir, receive a copy of the whole and authenticated documents. Your politeness and your honour, Sir, hold out the hope that you will agree to this

so necessary service, for the honour of our Government as well as that of the British.

God preserve you, Sir,
(Signed) CANDIDO DA COSTA SOARES.
ANTONIO RAMALHO DA SA.
PADRE CUSTODIO JOZE VORZ.
ANTONIO FRANCISCO CARDOZO.

*The Most Illustrious Charles John Bosanquet,
Commander of His Britannic Majesty's brig "Leveret."*

Sub-Enclosure 18 in No. 1.

(Translation.) *The Junta to Commander J. Bosanquet.*

*Fort St. Sebastian, Mozambique,
28th September, 1836.*

MOST ILLUSTRIOUS SIR,

THE Government of this Province declares that the brig of His Britannic Majesty is neither now a prisoner nor ever has been so, and that the Government never intended any insult to the British flag, nor insulted either the British flag or His Britannic Majesty's brig "Leveret;" and it declares likewise that that brig was never forbid to depart, and she is perfectly at liberty to cross the bar, with the view either of entering or departing, whenever she chooses.

God preserve you, Sir,
(Signed) CANDIDO DA COSTA SOARES.
ANTONIO RAMALHO DA SA.
PADRE COSTODIO JOZE VORZ.
ANTONIO FRANCISCO CARDOZO.

*The Most Illustrious Mr. Charles John Bosanquet,
Commander of His Britannic Majesty's brig "Leveret."*

Sub-Enclosure 19 in No. 1.

(Translation.) *Note as to the Delivery of Prisoners.*

MOST ILLUSTRIOUS SIR, *Mozambique, 28th September, 1836.*

I INFORM you, Sir, for its being laid before the Illustrious Junta of the Government, that there were delivered to me, from on board the English brig "Leveret," six and twenty prisoners, eighteen of which I left on board the "Princeza Real," trader, and eight in the Military Hospital, as appears from the enclosed receipt.

God preserve you, Sir,
(Signed) JOAO GREGORIO CONI,
*The Most Illustrious Joao de Costa Xevier, Lieutenant Artillery.
Secretary to the Government.*

Sub-Enclosure 20 in No. 1.

(Translation.) *As to Delivery up of other Prisoners.*

Military Hospital, 28th September, 1835.

ON board the merchant vessel "Princeza Real," commanded by the graduated Captain of Sea and War, Jozé Joaquim Leoni, were received a second and third steersman, a boatswain, and fifteen seamen, belonging to the Spanish brig "Diogenes," and were delivered by the most illustrious First Lieutenant Joao Gregorio Coni. On board the said merchant vessel, lying at anchor in front of the Fort of Mozambique, the 28th September, 1836,

(Signed) LUIZ CORREA DE ALMEIDA,
Second Lieutenant.

Eight patients were, by order of the most illustrious Senhors of the Junta of Government, received into this Military Hospital.

(Signed) MANUEL ANTONIO DA FONSECA.

N.B.—They were presented and delivered at the said Hospital by the most illustrious Senhor Coni. *Hospital, ut supra.*

(Signed) FONSECA

Sub-Enclosure 21 in No. 1.

(Translation.) *The Junta to Commander J. C. Bosanquet.*

*Quarters, Fort St. Sebastian, Mozambique,
29th September, 1836.*

MOST ILLUSTRIOUS SIR,

THE Officer who presents this paper is the President of the Commission nominated by the Government to take an account of, and examine all that belongs to the Spanish brig "*Diogenes*," and to him are to be handed the specie, papers, and all appurtenances of the said brig, for which he is authorised to give receipts, and make out all the other documents.

God preserve you, Sir,
(Signed) CANDIDO DA COSTA SOARES.
ANTONIO ROMALHO DA SA.
PADRE COSTIDIO JOZE VORZ.
ANTONIO FRANCISCO CARDOZO.

*To the Most Illustrious Charles John Bosanquet,
Commander of His Britannic Majesty's brig "Leveret."*

Sub-Enclosure 22 in No. 1.

Captain Bosanquet to the Junta.

*His British Majesty's brig "Leveret," Mozambique,
28th September, 1836.*

YOUR EXCELLENCY,

I HAVE to acknowledge the receipt of your letter of to-day, in which you are pleased to state, that no insult was ever intended to the British flag (which I sincerely trust to be the case), and that you will never insult either the English flag or His Britannic Majesty's brig "*Leveret*," and that the said brig is perfectly free to go in or out of this harbour whenever she pleases.

(Signed) C. J. BOSANQUET.
Commander of His Britannic Majesty's brig "Leveret."
Está conforme,
FRANCISCO ROBELLO DE CARVALHO.
*To their Excellencies the Officers administering
the Government of Mozambique.*

Sub-Enclosure 23 in No. 1.

As a receipt for Specie, Prisoners, &c.

(Translation.)

Mozambique, 29th September, 1836.

WE have received from the Commander of His Britannic Majesty's brig "*Leveret*," Charles John Bosanquet, six chests of specie, said to contain sixteen thousand dollars, which chests were marked and numbered as follows:—C. P. No. 1, C. P. No 2, C. P. No. 3, A. P. No. 4, A. P. No. 5, Y. M. No. 6, and were closed and sealed with the seal of the said Commander; also a bag, containing 479 doubloons, in ounces and half ounces; seven small gold coins, and 345 dollars, being part of the cargo of the Spanish brig "*Diogenes*," detained by the above Commander as a piratical slave-vessel; and moreover a chronometer, made by Parkinson and Frodsham, No. 1980. For which effects we have, by order of the Mozambique Government, signed triplicate receipts.

(Signed) JOAO JACINTO DE SOUZA,
President for the Commission.
JOHN GILMORE
Marine Guard.
LUCK FREDERICO MARGNES.
Candidate for a Collectorship.
RAFAEL ANTONIO DE CARVALHO.
ANTONIO RANGEL.

Sub-Enclosure 24 in No. 1.

Captain Bosanquet to the Junta.

His Majesty's brig "Leveret," Mozambique, 29th September, 1836.

YOUR EXCELLENCY,

IN consequence of the Spanish brig "*Diogenes*," detained by me for being intended for the unlawful traffic in slaves, and for firing into the boats of His Britannic Majesty's brig "*Leveret*," having been taken possession of by the orders of your Excellency, I have this day delivered the papers of the said brig into the hands of the officer authorised by your Excellency to receive them, and I have also delivered to the same officer six boxes of treasure, said to contain 16,000 dollars; also a bag containing 479 doubloons, seven small gold pieces, and 345 dollars, to be deposited for safety in the Government Treasury of Mozambique, and have received triplicate receipts from the officer. And I have to request that on the receipt of the above money in the Treasury, you will be pleased to forward me a receipt under the hand of your Excellency.

I have, &c.

(Signed) C. J. BOSANQUET,

Commander of His Britannic Majesty's brig "Leveret."

Està conforme,

FRANCISCO REBELLO DE CARVALHO.

To their Excellencies the Officers administering the Government of Mozambique.

Sub-Enclosure 25 in No. 1.

Certificate as to Receipt of Specie.

(Translation.)

Palace of St. Paul, Mozambique, 29th September, 1836.

WE certify having received in the coffer of the Public Treasury, from the Commander of His Britannic Majesty's brig "*Leveret*," Charles John Bosanquet, six small chests, in which, he says, are contained 16,000 dollars, marked and numbered as follows:—C. P. No. 1, 2, 3, A. P. No. 4 and 5, Y. M. No. 6, and closed and sealed with the seal of that Commander; likewise a bag containing 479 Spanish doubloons, seven small gold coins, and 345 dollars; which specie he declared to belong to the Spanish brig "*Diogenes*," detained in this port by the said Commander, by reason of her being a slaver, as he says in his letter, dated this day; and moreover did we receive a chronometer, Parkinson and Frodsham, makers, No. 1980, for which we gave triplicate receipts.

CANDIDO DA COSTA SOARES.

ANTONIO RAMALHO DE SA.

PADRE COSTODIO JOZE VAZ.

ANTONIO FR. CARDOZO.

JOZE IGNACIO DE ANDRADE NERI.

Sub-Enclosure 26 in No. 1.

Receipt.

*His Britannic Majesty's brig "Leveret," Mozambique,
29th September, 1836.*

RECEIVED from their Excellencies the Officers administering the Government of Mozambique, a packet for conveyance to the Cape of Good Hope, addressed as follows: S. N. R. Illmo. Exm. Snr. Almirante da Estação Naval de S. M. B. eme. Capo de Bon Esperança. Da Junta Governativo de Moçambique.

(Signed) C. J. BOSANQUET,

Commander of His Britannic Majesty's brig "Leveret."

Està conforme,

FRANCISCO REBELLO DE CARVALHO.

Sub-Enclosure 27 in No. 1.

The Junta to Commander C. J. Bosanquet.

(Translation.)

Palace of St. Paul of Mozambique, September 29th, 1836.

As the Spanish brig "*Diogenes*" remains in deposit, and her cash and papers are kept in safe custody, waiting the final decision, we desire to know whether the prisoners whom you have delivered are also to remain in deposit, seeing that by our laws they cannot be kept in prison, and that some expense will be incurred.

God preserve you many years.

CANDIDO DA COSTA SOARES.
ANTONIO RAMALHO DE SA.
PADRE COSTODIO JOZE VAZ.
ANTONIO FR. CARDOZO.

*To the Most Illustrious Senhor Charles John Bosanquet,
Commander of His Britannic Majesty's brig "Leveret."*

Sub-Enclosure 28 in No. 1.

Captain Bosanquet to the Junta.

*His Britannic Majesty's brig "Leveret," Mozambique,
29th September, 1836.*

YOUR EXCELLENCIES,

IN reference to your Excellencies' letter, this moment received, I have to reply, that it is impossible for me to state any wish respecting the prisoners detained by me as part of the crew of the Spanish slave-brig "*Diogenes*," as that vessel was forcibly taken possession of by your Excellencies' orders, after my having stated that she had committed the act of piracy, of firing into the boats of His Britannic Majesty's brig "*Leveret*," which has entirely precluded the possibility of my proceeding against the said brig, according to our Laws and my Instructions, as a piratical vessel, and also prevented me from fulfilling the stipulations of the Treaty between His Britannic Majesty and the Queen Regent of Spain. I therefore must shake off all responsibility respecting the said brig, and throw the entire charge of all future proceedings upon your Excellencies; the ultimate decision being, of course, left to be decided between our respective Governments. Agreeably to your request, I transmit the triplicate receipts for the money, signed by the Officers deputed by your Excellencies.

I have the honour to be, &c.

(Signed) C. J. BOSANQUET,

Commander of His Britannic Majesty's brig "Leveret."

Està conforme,

FRANCISCO REBELLO DE CARVALHO.

*To their Excellencies the Officers administering
the Government of Mozambique.*

Sub-Enclosure 29 in No. 1.

Complaint of Nicholas Fachini.

(Translation.)

Mozambique, 20th September, 1836.

MOST ILLUSTRIOUS GOVERNORS,

NICHOLAS FACHINI, Captain of the Sardinian bark "*Sea Horse*," says:— That having put into this Port from necessity, and being under the protection or dominion of the flag of Her Most Faithful Majesty, a force, under the English flag, unexpectedly, and without authority, attacked him on board, and in contempt of every respect due to its allies, left two British soldiers on board. He therefore prays your Lordships to direct on this occasion what the honour of the Portuguese nation deserves from all others; and he will consider it as a favour.

Sub-Enclosure 30 in No. 1.

Complaint of José Joachim Barnetto to the Junta.

(Translation.)

Mozambique, 21st September, 1836.

MOST ILLUSTRIOUS SENHORS OF THE JUNTA OF GOVERNMENT,

JOZE JOACHIM BARNETTO, a Portuguese citizen, says:—That having bought at a public auction a Spanish galley, now denominated "*Donna Maria Segunda*," with all the formalities allowed in law, and by which he is put in possession of her, it is come to his knowledge that the Commander of His Britannic Majesty's brig "*Leveret*" questions such sale, and prefers irrelevant complaints to your Lordships, by referring to former delinquencies of the vessels which have engaged in the Slave Trade. Petitioner, therefore, applies to your Lordships on behalf of the security of his property against any proceeding which the Commander may have instituted, and enters his protest against the Government. Accordingly, he prays your Lordships to be pleased to attend to the above statement, and a favour will thereby be conferred on him.

JOZE JOACHIM BARNETTO.

Sub-Enclosure 31 in No. 1.

(Translation.)

*Raphael Antonio Carvalho to the Junta.**Mozambique, 20th September, 1836.*

MOST ILLUSTRIOUS GOVERNORS,

RAPHAEL ANTONIO CARVALHO, a Portuguese citizen, says:—That having at a public auction purchased the late Spanish galley, named the "*Alerta*," and which now being Portuguese by reason of the purchase of her, is called "*Duqueza de Braganza*," a purchase made with all the formalities lawfully to ensure her possession, he has now learned, that the Commander of the English brig "*Leveret*" disputes the legality of the purchase, interferes with the right of petitioner, a Portuguese citizen, by untenable informations addressed to your Lordships, involving former transgressions of vessels engaged in the traffic of slaves, and even insults the dignity of the Portuguese flag, by going in the port, with armed men on board ships under the national flag, which visits, or which boarding, are, moreover, made without permission of, or respect for, the property; wherefore petitioner comes in this manner to protest, as I solemnly do protest once, and more than once if necessary, against this Government and said Commander, and likewise against all Portuguese and allied authorities, in general and each in particular, that may have been wanting to the respect, which they were in duty bound to pay to the dignity of the said flag of the Queen, as also against any proceeding instituted against the said galley, and solicits the Government of the Queen of Portugal, our Sovereign, that with the view to ratify this protest, a copy may be given him of the Despatch transmitted on the occasion; whereby he will receive favour.

RAPHAEL ANTONIO CARVALHO.

Sub-Enclosure 32 in No. 1.

Report of the Adjutant of the Fort.

(Translation.)

Fort of San Sebastian, 25th September, 1836.

MOST ILLUSTRIOUS SENHOR,

I ENCLOSE to you the report transmitted to me by the Adjutant of this Fort, José Antonio dos Santos, that you may present it to the Most Illustrious Senhores of the Junta of Government of Mozambique, in the Fort of San Sebastian, 25th of September, 1836. To the Most Illustrious Senhor, Manuel Correa da Conceigns, Captain at the orders of the Government, and Captain of the week. Antonio Paulo Soales, Commandant of the Fort, San Sebastian.

Most Illustrious Senhor Commandant, I acquaint you, Sir, that as I was going to examine the Spanish merchant vessel which had just cast anchor in this port, and to ascend the starboard side, the English brig "*Leveret*," which also had entered, came to board her on the larboard side, and the English crew sprung in sword in

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hand, making cuts at the sailors, who had no arms, being occupied in the business of the vessel, so that it was impossible for me to obtain the information which it is customary to procure on the part of the fort, because there was such a confusion, that those who could escape the blow aimed at them, threw themselves into the sea. Thus much I have to communicate to you, Sir.

JOZE ANTONIO DOS SANTOS,

Adjutant of the Fort.

To the Most Illustrious Antonio P. Soares, Commandant of the Fort.

Sub-Enclosure 33 in No. 1.

(Translation.)

Report of Pedro Martins.

IN the year of the birth of our Lord Jesus Christ, 1836, the 28th September, at half past twelve o'clock of that day, in this fort St. Sebastian of Mozambique, prescribed himself Joaquim Pedro Martins, *Aspirante a Guarda Marinha*, belonging to the crew of the "*Princesa Real*" merchant vessel, lying at anchor in this port, who having, by order of the Most Illustrious Junta of Government, gone to take a sealed letter to Charles John Bozanquet, Commander of His Britannic Majesty's brig the "*Leveret*," the said Commander opened the said letter, and returning the letter opened, gave the verbal answer, that he, Commander Bozanquet, was ready to deliver up the prisoners and papers which he had in his custody, belonging to the Spanish vessel, provided that the Junta of Government would send him a letter guaranteeing his departure, a boat to receive the prisoners, and an officer to take charge of the whole, and give him a receipt. The Aspirant, J. P. Martin, said that C. J. Bosanquet had returned no other answer to the letter which the Government sent him; to corroborate which he signed his name with the witnesses signed underneath, who were present at the above answer. I, Joze da Silva Pimental Maldonado, graduated Captain of this garrison, wrote and signed it, Joze da Silva Pimental Maldonado. And he deposed further, that the said Bosanquet had said to him that he would also give up the papers belonging to the said Spanish vessel; and I, Joze da Silva Pimental Maldonado, wrote this deposition. I da Silva Pimental Maldonado, Joaquim Pedro Martins, *Aspirante a Guarda Marinha*, as witnesses, who heard the deposition, Joao Gilmore, *Marine Guard*.

No. 2.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, 21st July, 1837.

WITH reference to the statement made in your Despatch of the 26th of April last, that Peoli, or Pauoley, who, it was said, was to have the command of the "*Latona*," stated himself to have been the Owner of the "*Diogenes*," which vessel was seized in the harbour of Mozambique by Her Majesty's ship "*Leveret*," I transmit to you, for your information, the copies of a correspondence which has passed upon the subject of this man, between this Office and the Board of Admiralty.

I am, &c.

(Signed)

PALMERSTON.

The Lord Howard de Walden,
&c. &c. &c.

First Enclosure in No. 2.

Mr. Wood to the Honourable W. Fox Strangways.

SIR,

Admiralty, 19th May, 1837.

WITH reference to your letter of the 17th instant, with its enclosures respecting a vessel called the "*Latona*," which is fitted out at Lisbon for the Slave Trade, by which it appears that this vessel is to be commanded by a person named Pauoli or Peoli, who states himself to have been the Owner of the Spanish vessel "*Diogenes*," I am commanded by the Lords Commissioners of the Admiralty, to

request that you will lay before Viscount Palmerston the accompanying extract of a letter from Rear-Admiral Sir P. Campbell, dated the 27th of October last, by which it appears that Pauoli is amenable to the law as a pirate, for having fired into the boat of His Majesty's brig "Leveret."

I am, &c.,
(Signed)

C. WOOD.

The Honourable W. Fox Strangways,
&c. &c. &c.

Sub-Enclosure in No. 2.

Extract of a Letter from Rear Admiral Sir Patrick Campbell to Charles Wood, Esq., dated in Simons Bay, 27th October, 1837. No. 67.

LIEUT. BOSANQUET reports that, on the 9th September, in latitude about 25° south, and longitude 44° 30' east, the gig and cutter of the "Leveret" having been sent on board a brig under Spanish colours, were fired upon, when within a few yards of the vessel, and repulsed, one man being killed, and the Second Master and three others wounded.

Second Enclosure in No. 2.

The Honourable W. Strangways to Mr. Wood.

SIR,

Foreign Office, 20th July, 1837.

I am directed by Viscount Palmerston to acknowledge the receipt of your letter of the 19th of May last, stating that Peoli, the reputed Commander of the "Latona," had, while in command of the Spanish schooner "Diogenes," fired upon the boat of His Majesty's ship "Leveret," and thereby became amenable to the law as a pirate.

Your letter above-mentioned was referred to His Majesty's Advocate-General, for his opinion whether any and what steps should be taken against this man, and that officer has reported, that he is of opinion that Peoli has been guilty of the murder of a British subject, and that if he should be found within British territory, he may be apprehended and tried, and may, upon sufficient evidence, be convicted of the crime of murder.

I am, &c.
(Signed) W. FOX STRANGWAYS.

Charles Wood, Esq.,
&c. &c.

No. 3.

Viscount Palmerston to M. de Carvalho.

Foreign Office, July 24th July, 1834.

THE undersigned, &c., has had the honour to receive the note addressed to him on the 26th of May last by the Chevalier de Ribeiro, &c., complaining of the conduct of Lieutenant Bosanquet, of His Majesty's ship "Leveret," who, it appears, on the 20th September, 1836, visited several vessels lying at anchor in the port of Mozambique, under the protection of the flag of Portugal, and, on the 25th of the same month, boarded and took forcible possession of the "Diogenes," a Spanish brig, which had just entered the port.

On the receipt of this communication the undersigned took the necessary steps for inquiring into the circumstances of the case, and he is concerned to find that the principal facts alleged against Lieutenant Bosanquet have been proved.

The undersigned has, therefore, to request the Chevalier Ribeiro to express to the Portuguese Government the regret felt by Her Majesty on ascertaining that Lieutenant Bosanquet's conduct in the harbour of Mozambique should have been such as to give rise to just complaints on the part of the Portuguese Authorities. But the undersigned begs, at the same time, to assure the Chevalier de Ribeiro,

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that strict orders will be issued to prevent the recurrence of such irregularities on the part of the officers of Her Majesty's Navy.

The Undersigned, &c.

(Signed)

PALMERSTON.

The Chevalier de Ribeiro Carvalho,
&c. &c. &c.

No. 4.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, 24th July, 1837.

I HEREWITH transmit, for your Lordship's information, the copy of a note which I have received from the Chevalier de Ribeiro, complaining of the conduct of Lieutenant Bosanquet, of Her Majesty's brig "Leveret," in boarding and taking forcible possession of the Spanish vessel "Diogenes" in the harbour of Mozambique.

I also enclose a copy of the answer, which, in compliance with the opinion of Her Majesty's Advocate-General, I returned to the Chevalier de Ribeiro's communication.

The Lord Howard de Walden,
&c. &c. &c.

(Signed)

I am, &c.

PALMERSTON.

No. 95.

Lord Howard de Walden to Viscount Palmerston.—(Received May 3rd.)

MY LORD,

Lisbon, 8th April, 1838.

I HAVE the honour to acknowledge the receipt of your Lordship's second Despatch of the 24th of March, marked Slave Trade.

I herewith enclose a copy of a note which I have addressed to Viscount de Sa da Bandeira on the subject of your Lordship's other Despatch of that date, marked Slave Trade.

I have also submitted to his Excellency the amended draft of the Slave Trade Treaty, and I trust that in the course of this week I shall be able to enter into the discussion of it with his Excellency.

I have, &c.

(Signed)

HOWARD DE WALDEN.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

Enclosure in No. 95.

Lord Howard de Walden to Viscount de Sa da Bandeira.

Lisbon, 2nd April, 1838.

THE undersigned, &c. in expressing to the Viscount de Sa da Bandeira, &c. how painful it is to Her Majesty's Government to find in almost every account which they have recently received relative to the Slave Trade, statements of increase of that traffic under the flag of Portugal, has been instructed to call the attention of the Government of Her Most Faithful Majesty to certain facts, the correctness of which is proved by documents.

In the year 1836, 38 vessels, bearing the flag of various nations, left the Havana for Africa, and only six of these sailed under the Portuguese flag.

In the year 1837, the number of vessels of all nations which left the Havana for the same destination was 72, being 34 more than in the previous year; of these 72 vessels, 40 were under the Portuguese flag, being 34 more than sailed under that flag in the previous year; and it thus appears that while the Slave Trade under other flags had remained as it was, the Trade under the flag of Portugal had increased to eight times the amount which it had reached the preceding year.

In the same year, 51 vessels arrived from Africa at the Havana, and all but three bore the flag of Portugal.

The last reports from Sierra Leone bring intelligence that every vessel which had

recently been seized, and carried for adjudication to Sierra Leone, bore the Portuguese flag.

The "*Ligeira*," which was one of these vessels, was only 78 tons burthen, and had on board 318 slaves, besides her crew of 25 officers and men. The vessel was crowded nearly to suffocation; 22 of the slaves died, and 55 others suffered severely in consequence.

The last report from Rio de Janeiro states that in the year 1837, 92 vessels laden with slaves had landed their cargoes in or near Rio; that every one of these vessels bore the Portuguese flag; and that from these vessels upwards of 41,600 slaves were landed in Brazil.

His Excellency the Viscount de Sa da Bandeira cannot but be sensible that, in the face of these facts, the Laws and Decrees of Portugal, enacted and repeated against the continuance of Slave Trade under the flag of that country, are a mere dead letter; and it is manifest that nothing will wipe away the disgrace which these facts affix to the character of Portugal, but the immediate conclusion of such a Treaty between Great Britain and Portugal, as shall give to British cruisers, in fulfilment of the existing engagements of the Crown, powers effectually to put down the trade thus protected and encouraged under the tolerated abuse of the national flag of this country.

The Undersigned, &c.

(Signed) HOWARD DE WALDEN.

The Viscount de Sa da Bandeira,
&c. &c. &c.

No. 96.

Viscount Palmerston to M. de Carvalho.

Foreign Office, 16th April, 1838.

THE Undersigned, &c. has the honour to acknowledge the receipt of the note, which was addressed to him of the 27th ultimo by M. de Carvalho, &c. on the subject of a claim for compensation, brought forward by the master of the Spanish vessel "*Diogenes*," for losses and damages said to have been incurred by him, in consequence of the attack made on him by Lieutenant Bosanquet, of Her Majesty's brig "*Leveret*."

The Undersigned has the honour to inform M. de Carvalho, that the early attention of Her Majesty's Government will be given to the subject in question.

The Undersigned, &c.

(Signed)

PALMERSTON.

M. de Carvalho.
&c. &c. &c.

No. 97.

Lord Howard de Walden to Viscount Palmerston.—(Received May 3.)

MY LORD,

Lisbon, 17th April, 1838.

I HAVE the honour to enclose a copy of a note, which I have received from the Viscount de Sa da Bandeira, in reply to the one I addressed him on the 2nd instant, respecting the increase of the Slave Trade under the scandalous abuse of the Portuguese flag.

I have, &c.

(Signed)

HOWARD DE WALDEN.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 97.

(Translation.) *Viscount Sa da Bandeira to Lord Howard de Walden.*

Office of Foreign Affairs, 10th April, 1838.

THE undersigned, &c. has the honour to acknowledge the receipt of the note which Lord Howard de Walden, &c. addressed to him under date of the 2nd instant, relative to the abuse made of the Portuguese flag in the traffic of slaves.

Such a communication could not fail to cause the greatest concern to the Government of Her Most Faithful Majesty, the more so since, as your Lordship cannot be ignorant of, they have not ceased to employ all the means in their power to put an end at once to such a scandalous abuse. In the meantime the undersigned has every hope that this abuse will cease as soon as the necessary time has elapsed to enable the energetic measures recently recommended to be put in practice by the Portuguese authorities in Africa to be carried into effect, and, above all, as soon as a treaty can be concluded between the Government of Her Most Faithful Majesty and that of Her Britannic Majesty, the efficacious stipulations of which may virtually prevent the continuation of so odious a traffic.

These are the sincere wishes which the Government of her Majesty entertain, and which the undersigned has the honour to transmit to your Lordship.

To the British Minister.

The Undersigned,
(Signed) SA DA BANDEIRA.

No. 98.

Lord Howard de Walden to Viscount Palmerston.—(Received May 3.)

MY LORD,

Lisbon, 17th April, 1838.

I HAVE the honour to enclose a copy of a note which I have addressed to the Viscount de Sa da Bandeira, transmitting to his Excellency, under your Lordship's instructions, an amended draft of the proposed Treaty for the total extinction of the Slave Trade, to be concluded between Portugal and Great Britain.

I have, &c.
(Signed) HOWARD DE WALDEN.
The Right Hon. Viscount Palmerston, G.C.B.,
 &c. &c. &c.

Enclosure in No. 98.

Lord Howard de Walden to Viscount de Sa da Bandeira.

Lisbon, 15th April, 1838.

THE undersigned, &c., has the honour herewith to transmit to the Viscount de Sa da Bandeira, &c., a revised project of the Treaty under negotiation, proposed to be concluded between Great Britain and Portugal, for the final and complete suppression of the Portuguese Slave Trade.

This project contains the various alterations to which, at the request of the Portuguese Government, Her Majesty's Government have consented. It also includes two distinct articles to the effect of those two stipulations relative to the Mixed Commission at Rio de Janeiro, and the transport of slaves from the coast of Africa to the islands of Cape de Verd, St. Thomas and Princes' Island, which were also conceded by Her Majesty's Government, in order to obviate the remaining objections of the Portuguese Government to the Treaty as it stood after the 25th November, 1835.

The amendments in the Annexes which have been made are with a view solely to carry into effect the object of the Treaty, and to render the sense perfectly clear and explicit.

This Project involves no principle, and contains no Stipulation, which has not already been agreed to by former Portuguese Governments in negotiation with the undersigned. It is therefore with confidence that the undersigned addresses himself to the Viscount de Sa da Bandeira, requesting his Excellency to name a day on which he may enter into the consideration of this important matter with His Excellency as Plenipotentiary of Her Most Faithful Majesty; and in so doing the undersigned has been honoured with Her Majesty's commands to declare that the signature of this Treaty, in fulfilment of the existing engagements of the Crown of Portugal, in this cause of humanity and justice, will be received by Her Majesty's Government as the best pledge of the wish of the Government of Her Most Faithful Majesty to cultivate a good understanding with that of Her Majesty.

The undersigned, &c.
Viscount de Sa da Bandeira, (Signed) HOWARD DE WALDEN.
 &c. &c. &c.

Sub-Enclosure in No. 98.

DRAFT OF A TREATY WITH PORTUGAL ON SLAVE TRADE.

PREAMBLE.

Her Majesty the Queen of Portugal and the Algarves, and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, being mutually animated with the most sincere desire of co-operating for the total extinction of the barbarous Traffic in Slaves, and being anxious to complete the work commenced by the Treaties, which were concluded in 1815 and 1817 between the two Crowns, and which served as the earliest model for the subsequent Conventions, in virtue of which the greater part of the Powers of Christendom have, since that time, associated for the like object, and their said Majesties having taken into their consideration, that the separation of the Brazils from the Crown of Portugal annuls the only reservation for which Portugal had stipulated in the Treaty of 1815, and now enables both of the two Governments to declare the Slave Trade totally and finally abolished, as regards their subjects respectively: have resolved to proceed to the conclusion of a Treaty, for the special purpose of publishing, in the most formal and solemn manner, the above mentioned declaration, and have respectively named for this purpose as their Plenipotentiaries, &c. &c., who having communicated to each other their respective Full Powers, found to be in due and proper form, have agreed upon the following Articles:—

ARTICLE I.

The Slave Trade is declared to be, for ever, and utterly abolished in all the dominions, and for all the subjects of the Crown of Portugal, as it already is in the dominions and for the subjects of Her Britannic Majesty.

ARTICLE II.

Her Majesty the Queen of Portugal and the Algarves, hereby engages, that, immediately after the exchange of the Ratifications of the present Treaty, and from time to time, afterwards, as it may become needful, Her Majesty will take the most effectual measures for preventing Her subjects from being concerned, and Her Flag from being used, in carrying on, in any way, the Trade in Slaves; and, especially, that within six months after the said exchange, She will promulgate throughout Her dominions a penal Law inflicting a punishment, the most severe, on all those Her subjects who shall, under whatsoever pretext, take any part whatever in the Traffic in Slaves.

ARTICLE III.

Her Majesty the Queen of Portugal and the Algarves also engages, that, in further pursuance of the stipulation contained, in the 1st Article of this Treaty, She will forthwith take the necessary steps for enacting penal Laws, analogous to those which are established in the dominions of Great Britain for the prevention of the Slave Trade.

ARTICLE IV.

In order more completely to carry into effect the spirit of the present Treaty, the two High Contracting Parties mutually renew the consent, already stipulated in the Convention of 1817, that those ships of their Royal Navies respectively, which shall be provided with special Instructions for that purpose, as hereinafter mentioned, may visit such Merchant vessels of the two Nations, as may be suspected, upon reasonable grounds, of being engaged in the Traffic in Slaves, or of having been fitted out for the purposes thereof, or of having, during the voyage in which they are met by the said Cruizers, been engaged in the Traffic in Slaves, contrary to the provisions of this Treaty; and that such Cruizers may detain and send or carry away such vessels, in order that they may be brought to trial in the manner hereinafter agreed upon.

In order to fix the reciprocal right of search in such a manner as shall be adapted to the attainment of the object of this Treaty, and shall at the same time avoid doubts, disputes, and complaints, the said right of search shall be understood in the form and according to the rules following:—

First.—It shall never be exercised except by vessels of war, authorized expressly for that purpose, according to the stipulations of this Treaty.

Secondly.—In no case shall the right of search be exercised with respect to a

vessel of the Royal Navy of either of the two Powers, but only as regards merchant vessels.

Thirdly.—Whenever a merchant vessel is searched by a ship of war, the Commander of the said ship shall, in the act of so doing, exhibit to the Commander of the merchant vessel the document by which he is duly authorized to that end; and shall deliver to the said Commander of the merchant vessel a certificate, signed by himself, stating his rank in the naval service of his country, and the name of the vessel he commands, and this Certificate shall also declare, that the only object of the search is to ascertain whether the vessel to be searched is employed in the Slave Traffic, or is fitted up for the said traffic. When the search is made by an officer of the cruiser who is not the Commander, the said officer shall exhibit to the captain of the merchant vessel, a copy of the before-mentioned document signed by the Commander of the Cruiser; and shall, in like manner, deliver a certificate, signed by himself stating his rank in the Royal Navy, the name of the Commander by whose orders he proceeds to make the search, that of the Cruiser in which he sails, and the object of the search, as has been already laid down. If it appears from the search that the papers of the vessel are in regular order, and that the vessel is employed for licit purposes, the officer shall enter in the log-book of the vessel, that the search has been made in pursuance of the aforesaid especial orders; and the vessel shall be left at liberty to pursue its voyage. The rank of the officer who makes the search must not be less than that of Lieutenant of the Royal Navy, unless he be the officer who shall at the time be second in command of the searching vessel, or unless the command shall, by reason of death or otherwise, be held by an officer of inferior rank.

Fourthly.—The reciprocal right of search and detention shall not be exercised within the Mediterranean sea, nor within the seas in Europe which lie without the Straits of Gibraltar, and to the northward of the thirty-seventh parallel of north latitude, and within and to the eastward of the meridian of longitude twenty degrees west of Greenwich.

ARTICLE V.

In order to regulate the mode of carrying the provisions of the preceding Article into execution, it is agreed: First, that all ships of the Royal Navies of the two Nations, which shall be hereafter employed to prevent the Traffic in Slaves, shall be furnished by their respective Governments with a copy, in the English and Portuguese languages, of the present Treaty, of the Instructions for Cruizers annexed thereto, sub litterâ A., and of the Regulations for the Mixed Courts of Justice annexed thereto, sub litterâ B. which Annexes, respectively, shall be considered as an integral part of the Treaty.

Secondly.—That each of the High Contracting Parties shall, from time to time, communicate to the other the names of the several ships furnished with such Instructions, the force of each, and the names of their several Commanders.

Thirdly.—That if, at any time, there shall be just cause to suspect that any Merchant vessel, sailing under the Flag of either nation, and proceeding under the Convoy of any ship or ships of war, of either of the Contracting Parties is engaged, or is intended to be engaged, in the Traffic in Slaves, or is fitted out for the purposes thereof, or has, during the voyage on which she may be met with, been engaged in the Traffic in Slaves, it shall be lawful for the Commander of any ship of the Royal Navy of either of the two High Contracting Parties, furnished with such Instructions as aforesaid, to communicate his suspicions to the Commander of the convoy, who accompanied by the Commander of the cruiser, shall proceed to the search of the suspected vessel; and in case the suspicions appear well founded, according to the tenor of this Treaty, then the said vessel shall be conducted or sent to one of the points where the Mixed Courts of Justice are stationed, in order to undergo the sentence applicable to the case.

Fourthly.—It is further mutually agreed, that the Commanders of the ships of the two Royal Navies respectively, who shall be employed on this service, shall adhere strictly to the exact tenor of the aforesaid Instructions.

ARTICLE VI.

As the two preceding Articles are entirely reciprocal, the two High Contracting Parties engage, mutually, to make good any losses which their respective subjects may incur by the arbitrary and illegal detention of their vessels, it being understood that this indemnity shall invariably be borne by the Govern-

ment whose cruizer shall have been guilty of such arbitrary and illegal detention ; and that the visit and detention of vessels, specified in the IVth Article of this Treaty, shall only be effected by those British or Portuguese ships, which may form part of the two Royal Navies, respectively, and by those ships only, which are provided with the special Instructions, annexed to the present Treaty in pursuance of the provisions thereof.

The compensation for damages, of which this Article treats, shall be made within the term of one year, reckoned from the day on which the mixed Court of Justice pronounces sentence on the vessel for the detention of which such compensation is claimed.

ARTICLE VII.

In order to bring to adjudication, with as little delay and inconvenience as possible, the vessels which may be detained according to the tenor of the IVth Article of this Treaty, there shall, as soon as may be practicable, be established, two Mixed Courts of Justice, formed of an equal number of individuals of the two Nations, named for this purpose by their respective Sovereigns.

These Courts shall reside, one in a Possession belonging to His Britannic Majesty, the other within the Territories of Her Majesty the Queen of Portugal and the Algarves, and the two Governments, at the period of the exchange of the Ratifications of the present Treaty, shall declare, each for its own Dominions, in what places the Courts shall respectively reside ; each of the two High Contracting Parties reserving to itself the right of changing, at its pleasure, the place of residence of the Court held within its own Dominions ; provided, however, that one of the two Courts shall always be held upon the Coast of Africa, and the other in one of the colonial Possessions of Her Majesty the Queen of Portugal and the Algarves.

These Courts shall judge the causes submitted to them, according to the provisions of the present Treaty ; without appeal ; and according to the Regulations and Instructions which are annexed to the present Treaty, and which are considered as forming an integral part thereof.

ARTICLE VIII.

It is hereby agreed between the High Contracting Parties, that the mixed commissions at present established and sitting, under the Convention between Great Britain and Portugal of the 28th of July, 1817, shall continue to sit, and shall from and after six months subsequent to the exchange of the Ratifications of this Treaty, and until the further appointment, and definitive establishment, of a mixed Court of Justice under the present Treaty, adjudge without appeal, according to the principles and stipulations of the present Treaty, and of the several annexes thereof, the cases of such Vessels as may be sent or brought before them ; and any vacancies which may occur in such mixed commissions, shall be filled up in the same manner in which vacancies in the mixed Courts of Justice, to be established under the provisions of this Treaty, are to be supplied.

It is further agreed, that, until a mixed Court of Justice shall be actually established in a Portuguese settlement, the mixed Court of Commission established at Rio de Janeiro under the Convention of November 23, 1826, between Great Britain and Brazil, shall be, and the same is hereby, empowered to take cognizance of any case of Portuguese Slave Trade, which may be brought before it, and to decide such case according to the principles and stipulations of the present Treaty, and of the several annexes thereof : and Her Most Faithful Majesty engages to add, as soon as possible, to the said mixed Court of Commission at Rio de Janeiro, two Commissioners on the part of Portugal to act in the room of the Brazilian Commissioners, in the cases of Portuguese Vessels brought before the said commission.

And the said High Contracting Parties further agree, that, if the Brazilian Commissioners at Rio de Janeiro shall refuse or decline to act in the cases of Portuguese Vessels, brought for adjudication before the said Commission, then, and in such case the British Commissioners at Rio de Janeiro, shall be, and are hereby empowered to take cognizance of and to adjudicate such cases, until such time as the two Commissioners, to be nominated on the part of Portugal to act in the room of the Brazilian Commissioners, shall have been appointed, and shall be ready to act, or until a mixed Court of Justice shall have been actually established in a Portuguese Settlement.

CLASS B.

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ARTICLE IX.

It is, however, distinctly understood between the two High Contracting Parties, that no stipulation of the present Treaty shall be interpreted as interfering with the right of Portuguese Subjects, to be accompanied in Voyages to and from the Portuguese Possessions off the Coast of Africa, by Slaves, who are *bond-fide* household servants, and who may be duly named and described as such in passports, where-with the vessel must be furnished, from the highest civil authority at the place where such Slaves shall have embarked ; provided,

First. That in such Voyages, he, a Portuguese Subject, except he be a Portuguese settler, removing definitively from his residence in a Portuguese Possession on the Coast of Africa, shall not be accompanied by more than two Slaves, being *bond-fide* household servants.

Secondly. That such a settler, removing definitively with his Family from his residence in a Portuguese Possession on the Coast of Africa, shall not be accompanied by more than ten Slaves, that all the Slaves shall be *bond-fide* his household servants, that no other Slaves shall be embarked on board of the Vessel on which the said household servants shall be found ; and that the voyage on which such settler and his family shall be so accompanied by such household Slaves, shall be a direct voyage to the Portuguese Islands of Cape de Verd, Princes, or St. Thomas, from some place in the Portuguese Possessions on the Coast of Africa, where the said settler shall have been permanently residing.

Thirdly. That the passports above mentioned shall enumerate each of the persons on board the Vessel, and shall state their names, sex, ages, and occupation, their last place of residence, and the place to which they are going.

Fourthly. That there be nothing in the equipment or character of the vessel in which such household Slaves may be found, which shall justify its detention under the provisions of this Treaty.

But if the equipment or character of the vessel shall justify the detention of the vessel under the stipulations of the present Treaty, or if any of the regulations specified in this Article, shall be unobserved or violated, in respect to such vessel, then her master, and her crew, and the owner or owners of the vessel, of the cargo, or of the slaves, shall be liable to be proceeded against, as accomplices in an infraction of the present Treaty, and to be punished accordingly, and the vessel and cargo shall be adjudged and condemned, and the Slaves shall be liberated.

ARTICLE X.

In case the Commanding Officer of any of the ships of the Royal Navies of Great Britain and of Portugal respectively, duly commissioned, according to the provisions of the IVth Article of this Treaty, shall deviate, in any respect, from the stipulations of the said Treaty, or from the instructions annexed to it ; the Government which shall conceive itself to be wronged thereby, shall be entitled to demand reparation ; and, in such case, the Government to which such commanding officer may belong, binds itself to cause inquiry to be made into the subject of the complaint, and to inflict upon the said officer a punishment proportioned to any wilful transgression which he may have committed.

ARTICLE XI.

It is hereby further mutually agreed that every Merchant vessel, British or Portuguese, which shall be visited, by virtue of the present Treaty, may lawfully be detained and be sent or brought before the Mixed Courts of Justice, established in pursuance of the provisions thereof, if, in her equipment, there shall be found any of the things hereinafter mentioned, namely :—

First. Hatches with open gratings instead of the close hatches, which are usual in Merchant vessels.

Secondly. Divisions or bulk heads, in the hold or on deck, in a greater number than are necessary for vessels engaged in lawful trade.

Thirdly. Spare plank fitted for being laid down as a second or slave deck.

Fourthly. Shackles, bolts, or handcuffs.

Fifthly. A larger quantity of water, in casks or in tanks, than is requisite for the consumption of the crew of the vessel as a merchant vessel.

Sixthly. An extraordinary number of water-casks, or of other vessels for holding liquid, unless the master shall produce a certificate from the Custom-house at the place from which he cleared outwards, stating that a sufficient security had been given by the owners of such vessel, that such extra quantity of casks or of other

vessels, should only be used for the reception of palm oil, or for other purposes of lawful commerce.

Seventhly. A greater quantity of mess tubs, or kids, than are requisite for the use of the crew of the vessel as a Merchant vessel.

Eighthly. A boiler of an unusual size, and larger than requisite for the use of the crew of the vessel as a Merchant vessel; or more than one boiler of the ordinary size.

Ninthly. An extraordinary quantity either of rice, of the flour of Brazil manioc, or cassada, commonly called farinha, of maize, of Indian corn, or of any other article of food whatever, beyond what might probably be requisite for the use of the crew; such rice, flour, maize, Indian corn, or other article of food, not being entered on the manifest as part of the cargo for trade.

Tenthly. A quantity of mats or matting, larger than is necessary for the use of the crew of the vessel as a Merchant vessel.

Any one or more of these several circumstances, if proved, shall be considered as *prima facie* evidence of the actual employment of the vessel in the Slave Trade; and the vessel shall thereupon be condemned, and be declared lawful prize, unless it be established by satisfactory evidence on the part of the master or owners, that such vessel was, at the time of her detention or capture, employed on some legal pursuit, and that such of the several things above enumerated, as were found on board of her at the time of her detention, or had been put on board of her on the voyage on which the vessel when captured was proceeding, were needed for legal purposes on that particular voyage.

ARTICLE XII.

If any of the things specified in the preceding Article shall be found in any Merchant vessel, no compensation for losses, damages, or expenses, consequent upon the detention of such vessel, shall, in any case, be granted, either to her master or to her owner, or to any other person interested in her equipment or lading, even though the Mixed Court of Justice should not pronounce any sentence of condemnation in consequence of her detention.

ARTICLE XIII.

It is hereby agreed between the two High Contracting Parties, that in all cases in which a vessel shall be detained, under this Treaty, by their respective cruisers, as having been engaged in the Slave Trade, or as having been fitted out for the purposes thereof, and shall consequently be adjudged and condemned by the Mixed Courts of Justice, to be established as aforesaid, the said vessel shall, immediately after its condemnation, be broken up entirely, and shall be sold in separate parts, after having been so broken up.

ARTICLE XIV.

Each of the two High Contracting Parties most solemnly binds itself to guarantee the liberty of the Negroes, who may be emancipated, under the present Treaty, by the Mixed Court of Justice, sitting within the Colonies or Possessions of such Government; and to afford, from time to time and whenever it may be demanded by the other party, or by the members of the Mixed Court of Justice, by whose sentence the Slaves shall have been liberated, the fullest information as to the state and condition of such Negroes, with a view of ensuring the due execution of the Treaty in this respect.

For this purpose the regulations annexed to this Treaty, sub litterâ C., as to the treatment of Negroes liberated by sentence of the Mixed Courts of Justice, have been drawn up, and are declared to form an integral part of this Treaty: the two High Contracting Parties reserving to themselves the right to alter, by common consent and mutual agreement, but not otherwise, the terms and tenor of such regulations.

ARTICLE XV.

The Acts or Instruments annexed to this Treaty, and which, it is mutually agreed, shall form an integral part therefore, are as follows:

A. Instructions for the ships of the Royal Navies of both nations, destined to prevent the Traffic in Slaves.

B. Regulations for the Mixed Courts of Justice which are to hold their sittings on the Coast of Africa, and in one of the Colonial Possessions of Her Majesty the Queen of Portugal and the Algarves.

C. Regulations as to the treatment of liberated Negroes.

ARTICLE XVI.

The present Treaty, consisting of sixteen Articles, shall be ratified, and the ratifications thereof exchanged, within the space of one month from this date, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed, in duplicate originals, English and Portuguese, the present Treaty, and have thereunto affixed the seal of their arms.

Done at
this day of
in the year of our Lord 183
(L. S.)
(L. S.)

ANNEX A.

To the Treaty between Great Britain and Portugal for the Abolition of the Slave Trade of Portugal of the of 183.

Instructions for the Ships of the British and Portuguese Royal Navies, employed to prevent the Traffic in Slaves.

Annex A.—ARTICLE I.

The Commander of any ship belonging to the Royal British or Portuguese Navy, who shall be furnished with these Instructions, shall have a right to visit, search, and detain, any British or Portuguese Merchant vessel, which shall be actually engaged, or shall be suspected to be engaged, in the Slave Trade, or to be fitted out for the purposes thereof, or to have been engaged in the Traffic in Slaves during the voyage in which she may be met with by such ship of the British or Portuguese Navy; and such Commander shall, thereupon, bring or send such Merchant vessel, as soon as possible, for judgment before that one of the two Mixed Courts of Justice, established in virtue of the VIIth Article of the said Treaty, which shall be the nearest to the place of detention, or which such Commander shall, upon his own responsibility, think can be soonest reached from such place.

Annex A.—ARTICLE II.

Whenever a ship of either of the Royal Navies, duly authorized as aforesaid, shall meet a Merchantman liable to be visited under the provisions of the said Treaty, the search shall be conducted in the mildest manner, and with every attention which ought to be observed between allied and friendly Nations; and the search, in all cases, be made by an Officer holding a rank not lower than that of Lieutenant in the Navies of Great Britain and Portugal respectively, or by the Officer who, at the time, shall be second in command of the ship by which such search is made, unless the command shall, by reason of death or otherwise, be held by an officer of inferior rank.

Annex A.—ARTICLE III.

The Commander of any ship of the Royal Navies, duly authorized, as aforesaid, who may detain any Merchant vessel, in pursuance of the tenor of the present Instructions, shall leave on board the vessel so detained, the master, the mate, or boatswain, and two or three, at least, of the crew thereof; the whole of the Slaves, if any; and all the Cargo.

The Captor shall at the time of detention, draw up, in writing, an authentic declaration, which shall exhibit the state in which he found the detained vessel; such declaration shall be signed by himself, and shall be given in or sent, together with the captured vessel, to the Mixed Court of Justice, before which such vessel shall be carried or sent for adjudication.

He shall deliver to the master of the detained vessel a signed certificate of the papers seized on board the same, as well as of the number of Slaves found on board at the moment of detention.

In the authenticated declaration, which the Captor is hereby required to make, as well as in the certificate of the papers seized, he shall insert his own name, the name of the capturing ship, the latitude and longitude of the place where the detention shall have taken place, and the number of Slaves found on board of the vessel, at the time of the detention.

The Officer in charge of the vessel detained, shall, at the time of bringing the vessel's papers into the Mixed Court of Justice, deliver into the Court a paper, signed by himself, and verified on oath, stating any changes which may have taken place in respect to the vessel, her crew, the Slaves, (if any,) and her Cargo, between the period of her detention, and the time of delivering in such paper.

Annex A.—ARTICLE IV.

The Slaves shall not be disembarked till after the vessel which contains them shall have arrived at the place of adjudication; in order that, in the event of her not being adjudged legal prize, the loss of the proprietors may be more easily repaired; and even after the arrival of the Slaves at such place, they are not to be landed without the permission of the Mixed Court of Justice.

But if urgent reasons deduced from the length of the voyage, the state of health of the Slaves, or from other causes, should require that either the whole or a portion of the Negroes should be disembarked, before the vessel can arrive at the place at which one of the said Courts is established, the Commander of the capturing ship may take upon himself the responsibility of so disembarking the Negroes, provided that such necessity, and the causes thereof, be stated in a certificate in proper form, and that this certificate be drawn up, and be entered at the time on the log-book of the detained vessel.

The undersigned Plenipotentiaries have agreed, in conformity with the XVth Article of the Treaty, signed by them on this day, the _____ of _____, that the preceding Instructions, consisting of four Articles, shall be annexed to the said Treaty, and be considered an integral part thereof.

The _____ day of _____ 183 .

(L.S.)

(L.S.)

ANNEX B.

To the Treaty between Great Britain and Portugal, for the Abolition of the Slave Trade of Portugal, of the _____ of _____ 183 .

Regulations for the Mixed Courts of Justice which are to reside.

Annex B.—ARTICLE I.

The Mixed Courts of Justice, to be established under the provisions of the Treaty, of which these Regulations are declared to be an integral part, shall be composed in the following manner. Each of the two High Contracting Parties shall name a Judge and an arbitrator, who shall be authorized to hear, and to decide without appeal, all cases of the capture or detention of vessels which, in pursuance of the stipulations of the aforesaid Treaty, shall be brought before them. The judges and the arbitrators shall, before entering upon the duties of their office, respectively make oath, before the principal Magistrate of the places in which such Courts respectively shall reside, that they will judge fairly and faithfully; that they will have no preference either for the claimants or the captors; and that they will act in all their decisions in pursuance of the stipulations of the aforesaid Treaty.

There shall be attached to each of such Courts a Secretary or Registrar, who shall be appointed by the Sovereign in whose Territories such Court shall reside; such Secretary or Registrar shall register all the acts of such Court, and shall, previously to entering upon his office, make oath before the Court to which he is appointed, that he will conduct himself with due respect for its authority, and will act with fidelity and impartiality, in all matters relating to his said office.

The salary of the Secretary or Registrar of the Court, to be established in the Dominions of Her Britannic Majesty, shall be paid by Her Britannic Majesty; and that of the Secretary or Registrar of the Court, to be established in the Colonial Possessions of Portugal, shall be paid by Her Most Faithful Majesty.

Each of the Governments shall defray half of the aggregate amount of the incidental expenses of such Courts.

Annex B.—ARTICLE II.

The expenses incurred by the officer charged with the reception, maintenance, and care, of the detained vessel, slaves, and cargo, and with the execution of the sentence; and all disbursements occasioned by bringing a vessel to adjudication;

shall, in case of condemnation, be defrayed from the funds arising from the sale of the materials of the vessel, after the same shall have been broken up ; of the ship's stores ; and of such parts of the cargo as shall consist of merchandize : and, in case the proceeds arising from this sale, should not prove sufficient to defray such expenses, the deficiency shall be made good by the Government of the country within whose Territories the adjudication shall have taken place.

If the detained vessel shall be released, the expenses occasioned by bringing her to adjudication, shall be defrayed by the Captor, excepting in the cases specified, and otherwise provided for, under Article XII. of the Treaty to which these Regulations form an Annex, and under Article VII. of these Regulations.

Annex B.—ARTICLE III.

The Mixed Courts of Justice are to decide upon the legality of the detention of such vessels as the cruisers of either Nations shall, in pursuance of the said Treaty, detain.

These Courts shall judge, definitively and without appeal, all questions which shall arise out of the capture and detention of such vessels.

The proceedings of these Courts shall take place with as little delay as possible ; and, for this purpose, the Courts are required to decide each case, as far as may be practicable, within the space of twenty days, to be dated from the day on which the detained vessel shall have been brought into the port where the deciding Court shall reside.

The final sentence shall not, in any case, be delayed beyond the period of two months—either on account of the absence of witnesses, or for any other cause ; except upon the application of any of the parties interested ; in which case, upon such party or parties giving satisfactory security that they will take upon themselves the expense and risks of the delay, the Courts may, at their discretion, grant an additional delay, not exceeding four months. Either party shall be allowed to employ such Counsel as he may think fit, to assist him in the conduct of his cause.

All the essential parts of the proceedings of the said Courts shall be written down in the language of the country in which the Courts shall respectively reside.

Annex B.—ARTICLE IV.

The form of the process shall be as follows:—

The judges appointed by the two Nations respectively, shall, in the first place, examine the papers of the detained vessel, and take the depositions of the master or commander and two or three, at least, of the principal individuals on board of such vessel ; as well as the declaration on oath, of the Captor, should such declaration appear necessary, in order to enable them to judge and to pronounce whether the said vessel has been justly detained or not, according to the stipulations of the aforesaid Treaty ; and in order that the vessel may be condemned or released accordingly.

In the event of the two judges not agreeing as to the sentence which they ought to pronounce in any case brought before them ; either with respect to the legality of the detention, the liability of the vessel to condemnation, or the indemnification to be allowed, or as to any other question which may arise out of the said capture ; or if any difference of opinion should arise between them, as to the mode of proceeding in the said Court, they shall draw by lot the name of one of the two arbitrators so appointed as aforesaid, which arbitrator, after having considered the proceedings which have taken place, shall consult with the two above-mentioned judges, and the final sentence or decision shall be pronounced, conformably to the opinion of the majority of the three.

Annex B.—ARTICLE V.

If the detained vessel shall be restored by the sentence of the Court, the vessel and the cargo, in the state in which they shall then be found, shall forthwith be given up to the master or to the person who represents him ; and such master or other person may, before the same Court, claim a valuation of the damages, which he may have a right to demand. The Captor himself, and, in his default, his Government, shall remain responsible for the damages to which the master of such vessel, or the owners of the vessel, or of her cargo, may be pronounced to be entitled.

The two High Contracting Parties bind themselves to pay, within the term of a year, from the date of the sentence, the costs and damages which may be awarded by the above-named Court ; it being mutually understood and agreed, that such costs and damages shall be made good by the Government of the country of which the Captor shall be a subject.

Annex B.—ARTICLE VI.

If the detained vessel shall be condemned, she shall be declared lawful prize, together with her cargo, of whatever description it may be, with the exception of the Slaves who shall have been brought on board for the purposes of commerce; and the said vessel, in conformity with the Regulations in Article XIII. of the Treaty of this date, shall, as well as her cargo, be sold by public sale, for the profit of the two Governments, subject to the payment of the expenses hereinbefore mentioned.

The Slaves shall receive from the Court a Certificate of Emancipation, and shall be delivered over to the Government to whom belongs the cruiser which made the capture, to be dealt with according to the regulations and conditions contained in the Annex to this Treaty, sub litterâ C.

The charges incurred for the support and for the return voyage of the commanders and crews of condemned vessels shall be defrayed by the Government of which such commanders and crews are the subjects.

Annex B.—ARTICLE VII.

The Mixed Courts of Justice shall also take cognizance of, and shall decide definitively and without appeal, all claims for compensation on account of losses occasioned to vessels and cargoes, which shall have been detained under the provisions of this Treaty, but which shall not have been condemned as legal prize by the said Courts; and in all cases wherein restitution of such vessels and cargoes shall be decreed, save as mentioned in Article XII. of the Treaty to which these Regulations form an Annex, and in a subsequent part of these Regulations, the Court shall award to the claimant or claimants, or to his or their lawful attorney or attorneys, for his or their use, a just and complete indemnification, for all costs of suit, and for all losses and damages, which the owner or owners may have actually sustained by such capture and detention; that is to say:

First. In case of total loss;

The claimant or claimants shall be indemnified:

A. for the ship, her tackle, equipment, and stores:

B. for all freights, due and payable.

C. for the value of the cargo of merchandize, if any, deducting all charges and expenses payable upon the sale of such cargo, including commission of sale.

D. for all other regular charges in such case of total loss.

Secondly. In all other cases, save as hereinafter mentioned, not of total loss, the claimant or claimants shall be indemnified:

A. for all special damages and expenses occasioned to the ship by the detention; and for loss of freight when due or payable.

B. for demurrage when due, according to the Schedule annexed to the present Article.

C. for any deterioration of the cargo.

D. for all premium of insurance on additional risks.

The claimant or claimants shall be entitled to interest at the rate of 5 per cent. per annum, on the sum awarded, until such sum is paid by the Government to which the capturing ship belongs; the whole amount of such indemnifications shall be calculated in the money of the country to which the detained vessel belongs, and shall be liquidated at the exchange current at the time of the award.

The two High Contracting Parties, however, have agreed, that if it shall be proved to the satisfaction of the judges of the two Nations, and without having recourse to the decision of an arbitrator, that the Captor has been led into error by the fault of the master or commander of the detained vessel, the detained vessel in that case shall not have the right of receiving, for the time of her detention, the demurrage stipulated by the present Article, nor any other compensation for losses, damages or expenses, consequent upon such detention.

Schedule of demurrage or daily allowance for a vessel of

100 tons to 120 inclusive, £5		} per diem.
121	150	
151	170	
171	200	
201	220	
221	250	
251	270	
271	300	

and so on in proportion.

Annex B.—ARTICLE VIII.

Neither the judges, nor the arbitrators, nor the secretaries, of the Mixed Courts of Justice, shall demand or receive from any of the parties, concerned in the cases which shall be brought before such Courts, any emolument or gift, under any pretext whatsoever, for the performance of the duties which such judges, arbitrators, and secretaries have to perform.

Annex B.—ARTICLE IX.

When the parties interested shall imagine they have cause to complain of any evident injustice on the part of the Mixed Commissioners, they may represent it to their respective Governments, who reserve to themselves the right of mutual correspondence, for the prevention of such injustice for the future.

Annex B.—ARTICLE X.

The two High Contracting Parties have agreed, that in the event of the death, sickness, absence on leave, or any other legal impediment, of one or more of the Judges or Arbitrators, composing the above-mentioned Courts respectively, the post of such Judge or of such Arbitrator shall be supplied, *ad interim*, in the following manner.

First. On the part of Her Britannic Majesty, and in that Court which shall sit within the possessions of Her said Majesty; if the vacancy be that of the British Judge, his place shall be filled by the British Arbitrator; and either in that case, or if the vacancy be originally that of the British Arbitrator, the place of such Arbitrator shall be filled, successively, by the Governor or Lieutenant-Governor resident in such Possession, by the principal Magistrate of the same, and by the Secretary of the Government; and the said Court, so constituted as above, shall sit, and in all cases brought before them for adjudication, shall proceed to adjudge the same, and to pass sentence accordingly.

Secondly. On the part of Great Britain, and in that Court which shall sit within the possessions of Her Most Faithful Majesty, and if the vacancy be that of the British Judge, his place shall be filled by the British Arbitrator, and either in that case, or if the vacancy be originally that of the British Arbitrator, his place shall be filled successively by the British Consul, and British Vice-Consul, if there be a British Consul, or British Vice-Consul appointed to, and resident in, such Possession; and if the vacancy be both of the British Judge and of the British Arbitrator, then the vacancy of the British Judge shall be filled by the British Consul, and that of the British Arbitrator by the British Vice-Consul, if there be a British Consul and a British Vice-Consul appointed to and resident in such Possession; and if there shall be no British Consul or Vice-Consul to fill the place of British Arbitrator, then the Portuguese Arbitrator shall be called in, in those cases in which a British Arbitrator, if there were any, would be called in; and if the vacancy be both of the British Judge and British Arbitrator, and there be neither British Consul, nor British Vice-Consul to fill, *ad interim*, the vacancies, then the Portuguese Judge and Portuguese Arbitrator shall sit, and in all cases brought before them for adjudication, shall proceed to adjudge the same, and pass sentence accordingly.

Thirdly.—On the part of Portugal, and in that Court which shall sit within the Possessions of Her Most Faithful Majesty, if the vacancy be that of the Portuguese Judge, his place shall be filled by the Portuguese Arbitrator, and either in that case, or if the vacancy be originally that of the Portuguese Arbitrator, the place of such Arbitrator shall be filled, successively, by the highest civil authority, resident in such Possession, by the principal Magistrate of the same, and by the Secretary of the Government; and the said Court, so constituted as above, shall sit, and in all cases brought before them for adjudication, shall proceed to adjudge the same, and pass sentence accordingly.

Fourthly.—On the part of Portugal, and in that Court which shall sit within the Possessions of His Britannic Majesty, if the vacancy be that of the Portuguese Judge, his place shall be filled by the Portuguese Arbitrator; and, either in that case, or if the vacancy be originally that of the Portuguese Arbitrator, his place shall be filled successively by the Portuguese Consul, and Portuguese Vice-Consul, if there be a Portuguese Consul, or Vice-Consul appointed to, and resident in, such Possession; and if the vacancy be both of the Portuguese Judge and of the Portuguese Arbitrator, then the vacancy of the Judge shall be filled by the Portuguese Consul, and that of the Portuguese Arbitrator by the Portuguese Vice-Consul, if there be a Portuguese Consul, and Portuguese Vice-Consul appointed to, and resident in, such Possession; and in the case in which there be no Portuguese Consul or Vice-Consul to fill the place of Portuguese Arbitrator, then the British Arbi-

trator shall be called in, in those cases in which a Portuguese Arbitrator, were there any, would be called in; and in case the vacancy be both of the Portuguese Judge, and the Portuguese Arbitrator, and there be neither Portuguese Consul nor Vice-Consul to fill, *ad interim*, the vacancies, then the British Judge and Arbitrator shall sit, and in all cases brought before them for adjudication, shall proceed to adjudge the same, and pass sentence accordingly.

The highest civil authority of the settlement wherein either of the Mixed Courts of Justice shall sit, in the event of a vacancy arising either of the Judge or the Arbitrator of the other High Contracting Party, shall forthwith give notice of the same to the highest civil authority of the nearest settlement of such other High Contracting Party, in order that such vacancy may be supplied at the earliest possible period; and each of the High Contracting Parties agrees to supply, definitively, as soon as possible, the vacancies which may arise in the above-mentioned Courts, from death, or from any other cause whatever.

The undersigned Plenipotentiaries have agreed, in conformity with the XVth Article of the Treaty signed by them on this day, the 183 , that the preceding Regulations, consisting of ten Articles, shall be annexed to the said Treaty, and considered as an integral part thereof.

the day of

183 ,

(L.S.)

(L.S.)

ANNEX C.

Regulations in respect to the treatment of liberated Negroes.

Annex C.—ARTICLE I.

The object and purpose of these Regulations is to secure to Negroes, liberated under the stipulations of the Treaty to which these Regulations form an Annex, sub litterâ C., permanent good treatment, and full and complete emancipation, according to the humane intention of the parties to the Treaty.

Annex C.—ARTICLE II.

Immediately after sentence of condemnation upon a vessel, charged with being concerned in illegal Slave Trade, shall have been passed by the Mixed Court of Justice, established under the Treaty to which these Regulations form an Annex, all Negroes who were on board of such vessel, and who were brought on board for the purpose of traffic shall be delivered over to the Government to whom belongs the Cruizer which made the Capture.

Annex C.—ARTICLE III.

The Negroes so liberated and delivered over to such Government, shall be placed under the care and superintendence of a Board, consisting of two Members or Commissioners, with a power to call in a third member under the circumstances hereinafter stated.

In that colony or possession of His Britannic Majesty in which, under the Treaty to which these Regulations form an Annex, a Mixed Court of Justice is to sit, the Board of Superintendence of the liberated Negroes shall consist of the Governor of the said colony or possession, and of the Portuguese Judge in the said Mixed Court of Justice; and when the Portuguese Judge is absent, then the Portuguese Arbitrator of the said Mixed Court of Justice shall sit in the place of the Judge, in the Board of Superintendence of liberated Negroes.

In that colony or possession of Her Most Faithful Majesty, in which, under the present Treaty, a Mixed Court of Justice is to sit, the Board of Superintendence of the liberated Negroes shall consist of the Governor of that Colony or Possession, and of the British Judge in the said Mixed Court of Justice, and when the British Judge is absent, then the British Arbitrator of the said Mixed Court of Justice, shall sit in the place of the Judge, in the Board of Superintendence of liberated Negroes.

The several Members of the Board of Superintendence shall, before entering upon their offices, respectively, take an oath, in presence of the principal Magistrate of the place, that they will faithfully execute their office without favour or partiality, according to the true intent and meaning of these Regulations.

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Annex C.—ARTICLE IV.

In order the better to carry into effect the purposes intended by the present Regulations, a person of known probity and humanity shall be selected and appointed by the Board of Superintendence, to act under its directions, with the title of Curator of liberated Negroes, and such Curator may, under the sanction of the Board, employ such persons as may be necessary to assist him in the execution of his duties.

The Curator so appointed, shall, previously to his entering on the duties of his office, take, before the Board of Superintendence, an oath in the following words :—

I, A. B., do solemnly swear, that I will act, to the best of my skill and knowledge, faithfully and impartially in the execution of my office, and that I will conduct myself with due respect to the authority of the Board of Superintendence of liberated Negroes, to which I am attached.

So help me GOD.

Annex C.—ARTICLE V.

The Curator of the liberated Negroes shall be personally present at the delivery of the Negroes to the person charged by the Government to receive them, after the sentence of emancipation is passed, as specified in Article II. of these Regulations.

Duplicate original receipts for the Negroes delivered over to the Government, specifying the number of each sex, shall, at the time when they are delivered as aforesaid, be made out and signed by the officer receiving them.

One original of such receipts shall be given to the person previously in charge of the Negroes, the other shall be given to the Curator, who shall deposit the same in the Registry of the Mixed Court of Justice, which adjudicated the case of the vessel in which the Negroes were captured.

At the time of the delivery of such Negroes to the Government, in the manner herein-before mentioned, they shall be minutely inspected by the Curator, who shall give to each Negro a name, which name shall then be entered by the Curator in a book to be called "Register of Emancipated Negroes," and to be kept for that purpose in the office of the Board of Superintendence; and opposite to the name shall be entered a description of the person, with the probable age, with the bodily marks, and with any particulars, which can be ascertained, regarding the family and nation of such Negro.

Each Negro shall then be marked on the upper part of the right arm with a small silver instrument, bearing for its device a symbol of freedom.

Annex C.—ARTICLE VI.

The Board of Superintendence shall then make known by the public papers its intention to apprentice out the liberated Negroes, and after seven days have elapsed from the announcement of such intention, the hiring or apprenticing of the Negroes shall take place, either by public auction or by tender, as may be thought best; and the Negroes shall then be distributed to their Hirers, upon the conditions and stipulations hereinafter mentioned; which conditions and stipulations shall be published at the time of auction or tender, and shall also be embodied in a contract, or indenture, to be entered into formally between the Hirer and the aforesaid Board; the contract or indenture shall be made out in duplicate: it shall be in print, and not in writing; one copy of it shall remain with the Hirer and the other with the Board, under the care of the Curator.

When the sums, offered by two or more different persons for the hiring of a Negro, are equal, preference shall be given to the person who will undertake to employ such Negro as a mechanic, or as a domestic servant.

Annex C.—ARTICLE VII.

The period of service for which apprentices shall be bound, shall be seven years, for all Negroes who, at the time of hiring, are above thirteen years of age; but three of the seven years may be afterwards remitted, at the discretion of the Board, upon the recommendation of the master, and upon proof that the apprentice is capable of earning an honest livelihood, and is worthy of such indulgence.

The apprenticeship of Negroes who, at the time of hiring, are under thirteen years of age, shall continue until the age of twenty, subject to a diminution of that term at the discretion of the Board, upon due proof being given, that the apprentice is worthy of such indulgence, and is capable of maintaining himself.

Annex C.—ARTICLE VIII.

When more apprentices than one are confided to the same master, care shall be taken to select, for that purpose, such as are of the same African nation, and, if possible, of the same family; and in no case shall a child, under fourteen years of age, be separated from its mother; but such child shall always be apprenticed to the same master with its mother.

Annex C.—ARTICLE IX.

The name and address of the master, together with the name and position of the estate or house where the liberated Negro is to be resident, shall be inserted opposite to the name of the Negro in his contract or indenture.

Annex C.—ARTICLE X.

No Negro shall be apprenticed to any master who resides more than twenty English miles from the town where such Mixed Court of Justice is established; and if any master to whom such Negro shall have been so apprenticed shall afterwards change his residence, he shall be required to give immediate notice thereof to the Curator.

The apprentices must always reside at that particular estate or house of the master, which is registered as being within the above-mentioned distance from the place of sitting of the Mixed Court of Justice.

Annex C.—ARTICLE XI.

No person shall be intrusted with one or more liberated Negroes, unless he shall prove to the Board, that he possesses ample means for the employment, maintenance and support of such Negro or Negroes, and unless he shall make himself answerable, under the penalty of 80 dollars for each Negro, that the conditions under which such Negro is received shall be duly observed.

Annex C.—ARTICLE XII.

The master shall engage to pay a stipulated sum for the hire of each apprentice.

The Curator may, if the amount is to be paid down in one sum, demand it previously to the hire; if the sum is to be periodically paid, the Curator may demand the same quarterly in advance.

Annex C.—ARTICLE XIII.

The master shall undertake:—

1°. That the apprentice shall be maintained with wholesome and abundant food; and shall be provided with such clothes as are usual, according to the custom of the country.

2°. That he shall be instructed in the truths of the Christian religion, in order that he may be baptized before the expiration of the second year of his apprenticeship.

3°. That he shall be vaccinated as soon as possible after being delivered into the charge of the master; that in sickness, he shall have proper medical advice, and shall be treated with due care and attention; and that, in case of death, he shall be decently buried, at the master's expense.

4°. That the apprentice shall be taught some useful business, or be instructed in some trade or mechanical art, whereby he may be enabled to maintain himself when the period of his service shall have expired.

5°. That whenever an infant is born of any female apprentice, immediate information thereof shall be given by the master to the Board of Superintendence, in order that the fact may be duly registered.

6°. That baptism of the infant so born shall take place within three months after its birth, and that the freedom of the child shall be recorded in the Register of Baptism; but that such child shall remain with its mother, and shall be maintained and treated by the master of the mother in the same manner as an apprentice, until the apprenticeship of the mother ceases.

Annex C.—ARTICLE XIV.

No master shall, in any case, be authorized to transfer to another master his apprenticed Negro, without the especial and written sanction of the Board; and if the master shall leave the country, or shall change his residence to a part of the country beyond the limits, hereinbefore fixed for persons having apprentices; or if he shall become so reduced in his circumstances, as to be obliged to give up his esta-

blishment, then, and in any of these cases, he shall report the same to the Board, and shall bring his apprentices and deliver them up to the said Board, by whom they shall be received, and shall afterwards be apprenticed to another master for the remainder of the period which such apprentices may have to serve, and under the same conditions as those imposed upon the first master. But in no case shall the master be allowed to deliver up his apprentice to any other authority than to the said Board, or to the Curator under the orders of the Board.

If any apprentice shall be guilty of crimes which render him obnoxious to the laws of the country, or shall be guilty of habitual drunkenness, insubordination, wilful carelessness, or destruction of his master's property, the master may in such case bring him before the Board of Superintendence, and, upon proof of the facts, the said Board shall have power to cancel the indentures.

Annex C.—ARTICLE XV.

If an apprentice should run away, his master shall give immediate information thereof to the Curator, who shall instantly proceed to a summary investigation of the fact, for the information of the Board of Superintendence. Any master who shall be proved to have improperly disposed of an apprentice, whom he has reported as dead or absconded, shall pay, as a fine, the sum of 300 dollars. The half of this fine shall be paid to the informer, and the remainder to the Curator, to be placed at the disposal of the Board for the purposes hereinafter mentioned.

Annex C.—ARTICLE XVI.

If an apprentice should fall sick, the master shall give immediate notice thereof to the Curator, in order that he, or one of his assistants, may visit such apprentice, and report to the Board the nature of his disorder, and the manner in which such sick Negro is taken care of.

If an apprentice should die, notice thereof shall immediately be given to the Curator, in order that he, or one of his assistants, may attend for the purpose of ascertaining that the deceased Negro was really and truly the apprentice, described as such in the Register.

For this purpose the Curator, or his assistants, shall make such inquiries as he may judge necessary, interrogating the inhabitants of the house in which the Negro has died, the neighbours, or any other persons; and shall take such other means as he may judge necessary, to enable him to ascertain the truth, in order that the burial of the negro, which is to be at the expense of the master, may take place without further delay.

A summary report of the result of this inquiry shall then be drawn up officially by the Curator, and shall be delivered without delay to the Board.

The Curator, after having identified the body of an apprentice who may have died, shall investigate the cause of the death; and if the death shall appear to have been natural, he shall note that fact in the Register.

If the cause of death be doubtful, or shall appear to be otherwise than natural, he shall interrogate the other Negroes, and other inhabitants of the house, and shall take such other means as may appear necessary to ascertain the facts of the case; and if there shall appear reason to suspect that the death of such Negro has been occasioned by violence, improper usage, or culpable neglect, he shall take the proper course for bringing the offender to trial before the Courts of the country.

Annex C.—ARTICLE XVII.

If the master of any apprentice shall commit any breach of these conditions, a fine shall be imposed upon him of not less than 50, and not exceeding 100 dollars, one-half of which shall go to the informer, and the other half shall be placed at the disposal of the Board of Superintendence, for the purposes hereinafter mentioned.

And in case of any gross misconduct of the said master towards his apprentice, such master shall, if the Board of Superintendence shall think fit, besides paying the above-mentioned fine, forfeit all further right to the services of the apprentice; and the said apprentice shall be taken from such master, and shall be apprenticed to another master, for the remainder of his term of apprenticeship.

Annex C.—ARTICLE XVIII.

If the master of an apprentice shall die, his heir, or the person to whom the possession of such apprentice shall devolve, shall, within four days after the death of such master, report the same to the Board of Superintendence. The Board shall, thereupon, issue their order to the Curator to bring the apprentice before

them; and when the apprentice is so brought, the Board shall apprentice him to another master, under the established conditions.

If the heir, or the person in possession of such apprentice shall neglect to report the death of the master within four days, he shall pay one dollar a day for each apprenticed Negro belonging to such deceased master, until he shall have delivered them all up to the said Board; and he shall, moreover, be subject to the other penalties which attach to the non-performance of the conditions established by these Regulations.

Annex C.—ARTICLE XIX.

If any liberated Negro be apprenticed to, or hired by, the Government, the contract shall contain the same conditions and stipulations, in regard to the Negro, as are hereinbefore prescribed for cases in which the Negro is apprenticed to a private individual.

Annex C.—ARTICLE XX.

Liberated Negroes shall, at the discretion of the Board of Superintendence, and when it shall be ascertained that their own free will has previously been obtained, be permitted to become soldiers and sailors in the regular land and sea forces of the state, in whose territories or dominions they shall have been emancipated.

The Board shall take care, in such case, to ascertain that the Negroes fully understand and are aware of the nature of the engagement which they enter into by so enlisting.

The Government, into whose service the Negroes enlist, shall sign a receipt for them, which receipt shall be delivered to the Curator at the time of the enlistment, and the Board shall take means to ensure that the full and permanent emancipation of such Negroes shall be secured them, in the true spirit of these regulations.

Annex C.—ARTICLE XXI.

Those liberated Negroes who may not be apprenticed, or who may not have enlisted into the sea or land forces of the state to which the colony or possession, in which they may be, belongs; or whose indentures shall have become void, or shall have been cancelled; shall be provided for by the Government of such colony or possession. They shall be kept within 20 miles of the place where the Mixed Courts of Justice are sitting.

The expense of maintaining and supporting such Negroes shall be borne by the Government of the colony; but they shall be under the care and superintendence of the Board and Curator; and the present regulations shall be applicable to them in every respect, excepting as regards apprenticeship.

Annex C.—ARTICLE XXII.

The Curator shall endeavour, by means of an interpreter, to explain to each Negro the nature of any contract by which he may become bound; and shall inform him that if he should, at any time, be ill treated by his master, he must make his complaint to the Curator, or to the Board of Superintendence of liberated Negroes.

Annex C.—ARTICLE XXIII.

It shall be the duty of the Curator, or of his assistant, to visit once, at least, in every three months, all places where there are any liberated Negroes under the superintendence of the Board; he shall examine and inspect all such Negroes; receive their complaints; inquire into those complaints, and search out the truth; and investigate any abuses that may effect the said Negroes; and also inquire into the general conduct of the Negroes themselves.

The Curator shall then bring to the notice of the Board every complaint on the part of the said Negroes, and every breach of the conditions and stipulations of the contract under which the Negroes serve; and in all cases of well founded complaint the Board shall take proper means for affording redress.

The inspections above prescribed are not to be made at stated periods, but at uncertain times and unexpectedly.

The Curator shall also report to the Board, every three months, the state in which he finds the liberated Negroes; and his report shall be entered in a book to be kept for that purpose, to be called "Curator's Reports," and to be deposited in the office of the Board; so that on reference thereto, the condition and behaviour of every liberated Negro may be easily known.

Annex C.—ARTICLE XXIV.

All proceedings of the Curator, together with a statement of all facts, which may, from time to time, come to his knowledge, respecting liberated Negroes, shall be immediately communicated by him to the Board of Superintendence; and he is not to institute any proceedings, nor to take any steps, in respect to such Negroes, without the knowledge and sanction of the Board.

Annex C.—ARTICLE XXV.

The Curator shall receive all the sums which are to be paid for the hire of apprentices, and all the monies arising from penalties incurred by masters, and shall render an account thereof to the Board of Superintendence.

The amount is to be applied to the purposes hereinafter mentioned.

Annex C.—ARTICLE XXVI.

When the prescribed term of service of any apprentice shall have expired, the Curator shall, under the direction of the Board of Superintendence, summon such apprentice, together with his master, to appear before the said Board; the master shall then give up to the Board the indenture of the Negro, and the Negro shall receive from the Board a certificate, specifying that such Negro has completed the term of his apprenticeship, and is entitled to all the rights and privileges of a free person.

The Curator shall see that this certificate be authenticated and registered, according to the custom of the country.

Annex C.—ARTICLE XXVII.

The Board of Superintendence shall have the power to admonish the Curator, and any other officer serving under the Board, if such Curator, or other officer, should fail to execute his duty faithfully; and if the Board shall see necessary, they may dismiss such Curator or other officer, and appoint successors.

Annex C.—ARTICLE XXVIII.

The necessary proceedings, for recovering such sums as may be due from masters on account of the hire of apprentices, and for enforcing the payment of the several fines and penalties hereinbefore imposed, shall be instituted in the proper Courts of Law of the country where the Boards of Superintendence shall respectively reside, and shall be carried on at the instance of the Board.

The expenses of such proceedings shall be defrayed as hereinafter mentioned; and the High Contracting Parties hereby engage that, within six months from the exchange of the ratifications of the Treaty to which these regulations are annexed, they will grant the requisite authority and powers, to the Courts of Law of the country where the Boards of Superintendence are respectively held, to take cognizance of the actions which, for the due execution of these regulations, may be brought in such Courts of Law at the instance of the Boards; so that the penalties hereinbefore mentioned may be recovered, and the levy of the monies hereinbefore mentioned may be enforced, and the payment of the amount thereof may be made to the person appointed by these regulations to receive such penalties and monies.

Annex C.—ARTICLE XXIX.

The money arising from the hire of liberated Negroes, and also from the penalties incurred by the masters, shall be deposited by the Curator in a chest with three keys, one of which shall be kept by each Commissioner of the Board of Superintendence, and one by the Curator. The Curator shall so deposit the several sums as soon as he receives them, making previously a regular entry of the receipt in a printed book to be kept for that purpose.

This money shall be applied in the following manner: that is to say, a portion thereof, at the discretion of the Board of Superintendence, shall be paid to the Curator, and to the other Officers employed under the said Board, for their salaries; so much of the remaining portion as shall be needful shall be applied towards defraying the expense of prosecuting masters for breaches of the conditions and stipulations of their contracts, and also, towards defraying the other expenses incurred for carrying these Regulations into effect; and the remaining balance, if any, shall be laid out, at the discretion of the said Board, in the promotion of the comfort and welfare of the liberated Negroes, either during their term of service, or at its expiration, and especially in rewards to liberated Negroes for good conduct.

The accounts of these monies, and of the manner in which they have been applied, shall, at the expiration of every year, be made up in duplicate, by the Curator; and after these accounts have been examined and approved by the Board, one of such duplicates shall be transmitted by each Commissioner to the Government on whose part he is acting.

If the fund should not prove sufficient to liquidate the just and necessary demands made for the purposes required, the deficiency shall be made good in equal moieties by the two Governments.

Annex C.—ARTICLE XXX.

In the event of a difference arising between the two aforesaid Commissioners of the Board, regarding the appointment of an officer under them, or regarding any other matter in the execution of these regulations, if such difference shall occur in a British Colony or Possession, the Board shall call in the person who officiates in that Colony or Possession as Portuguese Arbitrator to the Mixed Court of Justice, under the Treaty, and if the case shall occur in the Portuguese Colony or Possession, the Board of Superintendence shall call in the person who officiates in that Colony or Possession as British Arbitrator to the Mixed Court of Justice under the Treaty; and the Board of Superintendence of liberated Negroes thus formed, and being composed of the two Commissioners and of one Arbitrator shall, by the majority of voices, decide all such points of difference.

It shall not be permitted to the Members of the Board of Superintendence, nor to any officer acting under them, to demand or receive from any one, excepting as herein specified, any emolument, under any pretext whatsoever, for the performance of the duties which are imposed upon them by the present Regulations.

Annex C.—ARTICLE XXXI.

Nothing that is contained in these Regulations, shall be construed to exempt any liberated Negro from his liability, as a free man, to be proceeded against for any offence committed by him (except as herein provided for) against the laws of the country in which he is located. But in all cases where offence against such laws is imputed to a Negro under the care of the aforesaid Board of Superintendence, the laws shall be administered to him as to a free man, and the Curator shall, either personally or by a responsible individual, deputed by him for the purpose, attend the Courts of Justice of the country to see that justice is done to the Negro.

Annex C.—ARTICLE XXXII.

It is further stipulated, with a view to avoid the unnecessary multiplication of words, that everything contained in the foregoing Regulations which applies to masters, shall be construed as applying equally to mistresses; and that every thing in the said Regulations with respect to Negroes and apprentices which applies to the masculine gender and singular number, shall be construed as applying equally to the female sex, and to the plural number, unless such construction shall be in express opposition to any other enactment of these Regulations.

Annex C.—ARTICLE XXXIII.

These Regulations shall be inserted in the official Gazette or Journal of the countries whose Sovereigns are Contracting Parties to the Treaty; and also in the Official Journal or Gazette of the place where the Mixed Courts of Justice are respectively held; and the Governments of the said Countries shall convey to the said Boards of Superintendence of liberated Negroes, to the Curators, and to their assistants under those Boards, such authority as may be requisite to enable the said Boards of Superintendence, Curators, and officers acting under them, respectively, to perform the duties and to exercise the powers, entrusted to them by these Regulations.

The Undersigned Plenipotentiaries have agreed, in conformity with the XVth Article of the Treaty signed by them on this day, the
of that the preceding Regulations, consisting of Thirty-three Articles, shall be annexed to the said Treaty, and be considered an integral part thereof.

The of

(L.S.)
(L.S.)

No. 99.

Lord Howard de Walden to Viscount Palmerston.—(Received May 3.)

MY LORD,

Lisbon, 24th April, 1838.

I HAVE had two long conferences with the Viscount de Sa da Bandeira on the subject of the treaty under negotiation for the total abolition of the Slave Trade.

His Excellency declined entering into the project, which I had presented to him, *seriatim*, being desirous to come to an understanding previously on the principal points. I herewith enclose a memorandum of the points in which alterations have been made. The first, with reference to the preamble, I conceive your Lordship would at once admit, as recording only a fact.

The second and third are for the object of placing Portugal on the same footing as Great Britain, in concluding a treaty for the purpose of carrying into effect existing laws.

The fourth has for its object to establish a closer observation of the Coast of Africa, south of the Line, than is laid down either in the project or in the treaty with Spain; as also to extend it along the east coast of Africa, from whence the Slave Trade is carried on, it is supposed, to a considerable extent, to the Island of Bourbon, and even to the Mauritius.

To the clause of the eighth article, with reference to the Commission at Rio de Janeiro, the Viscount de Sa da Bandeira peremptorily objected, in consequence of the state of the relations existing between the Brazils and Portugal.

The right of revision has been proposed by me and accepted by the Viscount, after a long struggle against the indefinite duration of the treaty.

The Viscount has urged with the greatest eagerness and pertinacity the insertion of an article for the guarantee of the African possessions of Portugal.

On this point I delivered to him confidentially a memorandum, a copy of which I enclose, on which I told him the basis might be laid for some declaratory note on the exchange of ratifications.

The further difficulties which I now apprehend will probably be with reference to the penal laws, and the details of Annex C., against which I expect the Viscount de Sa da Bandeira to make a peremptory stand, as interfering with the principle of *independent* legislation (a favourite argument on all occasions as against concession to Great Britain) on a subject on which the Government of each country must be the best judge with regard to time and circumstances, and as to what is best suited to the interests of the subjects of either contracting party.

I have, &c.

(Signed)

HOWARD DE WALDEN.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

First Enclosure in No. 99.

*Memorandum of Alterations in Amended Draft of Slave Trade Treaty.*PREAMBLE, AS IT STOOD IN BRITISH
DRAFT.ALTERATIONS PROPOSED BY POR-
TUGUESE.

Her Majesty the Queen of Portugal and the Algarves, and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, being mutually animated with the most sincere desire of co-operating for the total extinction of the barbarous traffic in Slaves, and being anxious to complete the work commenced by the Treaties, which were concluded in 1815 and 1817, between the two Crowns, and which served as the earliest models for the subsequent Conventions, in virtue of which the

ALTERATIONS, PROPOSED BY PORTUGUESE.

^a That portion within brackets omitted.

^b having, *de facto*, annulled

^c and, the Queen of Portugal having by a Decree of the 10th December, 1836, abolished the Slave Trade throughout the Portuguese dominions, Their Majesties being thereby enabled

^d and rendering effective the laws enacted against this inhuman traffic.

The Slave Trade is declared to be for ever and utterly abolished in all the dominions, and for all the subjects of the Crown of Portugal [^a as it already is in the dominions, and for the subjects of Her Britannic Majesty.]

” ” ” ” ” ”
 ” ” ” ” ” ”
 for the prevention of the Slave Trade.^a

” ” ” ” ” ”
Fourthly, the reciprocal right of search and detention shall not be exercised within the Mediterranean sea, nor within the seas in Europe which lie without the Straits of Gibraltar ; [* and to the northward of the thirty-seventh parallel of north latitude, and within and to the eastward of the meridian of longitude twenty degrees west of Greenwich.]

^a and Great Britain respectively

* and by which Slave Trade is declared to be piracy."

* not to the northward of the parallel of Cape Spartel, and not to the eastward of the meridian of longitude twenty degrees east of Greenwich.

On the east coast of Africa, the reciprocal right of search and detention shall only be exercised between the Cape of Good Hope and Cape Guardafui on the Continent, and round the Island of Madagascar, and within 200 miles of the respective coasts.

It remains, however, distinctly understood, that any suspected vessel seen at a distance, and chased by any cruiser or cruisers, within the said distance of 200 miles from any part of the coast or island above-mentioned in this Article, may be visited and detained by them even beyond these limits, if having never lost sight of her, the cruiser or cruisers succeed in coming up with her at a greater distance than that specified.

PREAMBLE, AS IT STOOD IN BRITISH
DRAFT.

ARTICLE VIII.:

under the provisions of this Treaty are
to be supplied.

ARTICLE XVI.*

ALTERATIONS PROPOSED BY POR-
TUGUESE.

To end after the words

* Article 16 becomes Article 17, by
insertion of the following:—

ARTICLE XVI.

It is hereby agreed, that either of
the Two High Contracting Parties shall
have the right at the end of fourteen
years, to require a revision of any details
of this Treaty, as laid down in Article I,
on giving six months notice of a desire to
make such revision, and of then pro-
posing, discussing, and making such
amendments or additions, as the real
interests of their respective subjects may
seem to require. It being understood
that any Stipulation which at the period
of revision of the Treaty shall be ob-
jected to by either of the High Con-
tracting Parties, shall be considered as
suspended in its operation, until the dis-
cussion concerning that Stipulation shall
be terminated by common consent, six
months' notice being previously given to
the other Contracting Party, of the in-
tended suspension of such Stipulation,
for the purpose of avoiding mutual incon-
venience.

ARTICLE [XVI.*]

The present Treaty consisting of [^b six-
teen] Articles, &c. &c.

* XVII.

^b Seventeen.

Second Inclosure in No. 99.

Memorandum.

If the total suppression of the Slave Trade, in the colonial possessions of Portugal, should excite any serious discontent in those colonies, notwithstanding the new facilities to commerce which the Portuguese Government proposes to give them, and the fresh channels which will be opened for the profitable employment of that capital which has hitherto been engaged in the Slave Trade; in such an event Her Majesty's Government would be willing to afford to the Portuguese Government the assistance of a naval force, for the purpose of preventing such colonies from transferring themselves to the dominion either of Spain or Brazil. It is not likely, however, that any of these colonies would be tempted so to transfer themselves to Spain, because Great Britain has already concluded with that country the very Treaty, the conclusion of which with Portugal is supposed, by the Viscount de Sa da Bandeira, likely to cause those colonies to revolt.

Any such engagement as the above-mentioned could only be considered applicable to the particular emergency to which it relates, and could not therefore be regarded as being in force more than two years after the conclusion of this Treaty with Portugal.

No. 100.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, May 5th, 1838.

I HAVE received your Lordship's Despatches, marked Slave Trade, of this year's series up to the Despatch of the 24th of April 1838.

I have considered the alterations which the Portuguese Government wish to make in the preamble, and in Article, one, three, four, and eight, of the treaty sent out to you in draft on the 24th of March 1838, and also the new Article, which the Portuguese Government wish to insert, to form Article 16 of that treaty; and I have to inform you, that you are authorised to agree to the alterations proposed in the preamble, and that you may propose the altered version of Article 1, which I herewith enclose.

Article 1, as originally sent out to you, might perhaps seem to imply that Portugal had not yet entirely abolished the Slave Trade. But on the other hand the Article, as sent back by your Lordship, might be construed to mean that the Slave Trade was now, for the first time, to be abolished by Great Britain. But by the article as I have altered it, Portugal will be placed on the same footing with Great Britain in a declaration, that the Treaty is meant to carry existing laws into execution.

Your Lordship has already, by my despatch, marked Slave Trade, of the 14th of April, been instructed to make the addition proposed to Article 3.

The effect of the alterations now proposed by the Portuguese Government in Article 4 would be to narrow, instead of extending, the limits within which the right of search is to be exercised.

The draft of Treaty, as it stands (and in this respect it is exactly similar to treaties which Great Britain has concluded with Spain, the Netherlands, and Sweden), permits the right of search everywhere except in the Mediterranean, and in the other seas of Europe, and in that part of the Atlantic which lies to the eastward of the meridian of long. 20° west of Greenwich, and to the northward of the 37th parallel of north latitude.

The alteration, therefore, which is now proposed with respect to the eastern coast of Africa would be a restriction instead of an enlargement: and on that account it cannot be agreed to. Such a stipulation would still allow the Slave Trade to be carried on to the north of Cape Guardafui, on the eastern coast of Africa, and on any part of the coast of Asia; and Slave ships would be secure at a certain distance from the land, whilst on the western coast of Africa a difference, without any valid reason, would be established between the Treaty with Spain and that with Portugal; and there would be a space of 80 miles distance from north to south, between Cape Spartel and the 37th parallel, within which slave ships might be searched and seized if sailing under the flag of Spain, while they would be free from molestation if sailing under the flag of Portugal; and this would be particularly objectionable, because slave ships have been fitted out in the port of Lisbon itself.

Her Majesty's Government, therefore, decidedly object to any alteration in the limits as originally proposed; and your Lordship is instructed plainly to inform M. Sa da Bandeira, that Her Majesty's Government require and demand from Portugal the same stipulation on this point which has been agreed to by Spain.

Your Lordship states, that M. Sa da Bandeira peremptorily objects to the clause, empowering the Mixed Commission at Rio de Janeiro to try causes of Portuguese Slave Trade; and that he alleges, as the cause of his objection, the state of the relations existing between the Brazils and Portugal; the British Government conceive that they ought to yield to the wishes of the Portuguese Government on this head, however much they may regret, that the clause is objected to. But in conceding to those wishes, your Lordship will propose, that the Bahamas shall be fixed upon as the place where the Court of Commission to be named by the Government of Portugal shall be seated.

By this arrangement, the negroes there emancipated would be placed under the charge of the British Government, in a territory where slavery is abolished.

This measure would also obviate the difficulties which, as your Lordship states, the Portuguese Government have made to the establishment of a Com-

mission in a Portuguese settlement ; and it would remove the objections raised by the Portuguese Government against Annex C.

If the Portuguese Minister objects to the establishment of a Mixed Court at the Bahamas, you will request that His Excellency will himself name, on the part of Portugal, some settlement in the American seas, where the Commission shall be seated. One Mixed Court, that, namely, of Sierra Leone, is already established in Africa : and it is essential that the others should be placed somewhere in the American seas, because of the prevalence of Portuguese Slave Trade in those seas ; but the British Government is willing to leave to that of Portugal the choice of the place in the American seas, where this second Court shall be established.

With respect to the stipulations contained in the proposed Article 16, I have to observe, that the intention of the two parties in concluding the proposed Treaty, is to abolish the Slave Trade permanently, and for ever : and this intention would be defeated by the introduction of an article, which should leave either party at liberty to suspend the operation of the stipulations of the Treaty, without the consent of the other party.

No such clause has been thought necessary by Spain, and there is no reason why any such clause should be required by Portugal, unless the Portuguese Government were to contemplate, as they cannot be supposed to do, a future escape from their engagements, by means of such a stipulation.

I send to you a paper containing the Preamble and Articles, as they originally stood in the Draft sent out to you, marking also the alterations proposed by Portugal, and the answers which your Lordship is now desired to give to the Portuguese Government, on the subject of the alterations proposed by them.

I am, &c.

The Lord Howard de Walden,
&c. &c. &c.

(Signed)

PALMERSTON.

Enclosure in No. 100.

T R E A T Y,
AS SENT IN DRAFT TO PORTUGAL, ON THE 24th MARCH, 1838,
WITH THE,
ALTERATIONS PROPOSED BY PORTUGAL,
As returned by LORD HOWARD, on the 24th of APRIL, 1838,
AND THE
ANSWERS TO BE GIVEN TO THE PORTUGUESE GOVERNMENT THEREUPON.

Draft as Sent out to Lord Howard de Walden,
March 24, 1838.

Proposals of the Portuguese Government sent
home by Lord Howard, with his Despatch.
No. 6, April 24, 1838.

PREAMBLE.

Her Majesty the Queen of Portugal and the Algarves, and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, being mutually animated with the most sincere desire of co-operating for the total extinction of the barbarous traffic in slaves, and being anxious to complete the work commenced by the Treaties which were concluded in 1815 and 1817, between the Two Crowns, and which served as the earliest models for the subsequent conventions, in virtue of which the greater part of the Powers of Christendom have, since that time, associated together for the like object; and [*Their said Majesties having taken into their consideration that] the separation of the Brazils from the Crown of Portugal [^bannuls] the only Reservation for which Portugal had stipulated in the Treaty of 1815, [^cand now enables both of the Two Governments] to declare the Slave Trade totally and finally abo-

lished as regards ^dtheir subjects ^erespectively; have resolved to proceed to the conclusion of a Treaty, for the special purpose of publishing in the most formal and solemn manner, the

above-mentioned Declaration,^f and have respectively named for this purpose as Their Plenipotentiaries, &c.

G. ARTICLE I.

The Slave Trade is declared to be for ever and utterly abolished in all the dominions and for all the subjects of the Crown of Portugal^g [as it already is in the dominions and for the subjects of Her Britannic Majesty].

ARTICLE III.

” ” ” ” ” ”
” ” ” ” ” ”
for the prevention of the Slave Trade.^h

ARTICLE IV.

” ” ” ” ” ”
Fourthly, The reciprocal Right of Search and Detention shall not be exercised within the Mediterranean Sea,

^a out.

^b having *de facto* annulled

^c and the Queen of Portugal having, by a decree of the 10th December, 1836, abolished the Slave Trade throughout the Portuguese dominions, and Their Majesties being thereby enabled

^f and rendering effective the laws enacted against this inhuman traffic.

^g and Great Britain respectively.

^h and by which Slave Trade is declared to be Piracy.

No. 100.

Memoranda of Answers to be returned by Lord Howard to the Proposals of the Portuguese Government.

* To be agreed to.

† To be agreed to.

‡ Proposed alteration to be agreed to.

The word "and" to be inserted between the word Dominions and the word "Their."

^a In the original version of the Preamble the Word (*Their*) which occurs between the word (*regards*) and the word (*subjects*) is to be struck out, and the word (*the*) is to be substituted in its place.

^b The words (*of both*) are to be inserted between the word (*subjects*) and the word (*respectively*).

Note. The word (*the*) must be substituted for the word (*their*); and the words ("of both") must be inserted, otherwise the recital of what has recently been done in Portugal, would seem to be the ground-work for the English Abolition. Lord Howard must insist on this.

^c The proposed alteration to be agreed to; the word (*for*) to be inserted between the word (*and*) and the word (*rendering*).

G. The following article to be substituted for

ARTICLE I.

The Two High Contracting Parties mutually declare to each other, that the Slave Trade is, and shall for ever continue to be, totally and utterly abolished, in every part of their respective dominions, and for all the subjects of their respective Crowns.

‡ The proposed addition to be agreed to.

Draft as Sent out to Lord Howard de Walden,
March 24, 1838.

Proposals of the Portuguese Government sent
home by Lord Howard, with his Despatch.
No. 6, April 24, 1838.

nor within the seas in Europe which lie without the Straits of Gibraltar¹ [and to the northward of the thirty-seventh parallel of north latitude, and within and to the eastward of the meridian of longitude twenty degrees west of Greenwich].

¹ not to the northward of the parallel of Cape Spartel, and not to the eastward of the meridian of longitude twenty degrees *east** of Greenwich. On the east coast of Africa the reciprocal right of Search and Detention shall only be exercised between the Cape of Good Hope and Cape Guardafui on the Continent, and round the island of Madagascar, and within 200 miles of the respective coasts.

It remains, however, distinctly understood, that any suspected vessel seen at a distance and chased by any cruiser or cruisers within the said distance of 200 miles from any part of the coast or island above-mentioned in this Article, may be visited and detained by them, even beyond these limits, if, having never lost sight of her, the cruiser or cruisers succeed in coming up with her, at a greater distance than that specified.

ARTICLE VIII.

“ “ “ “ “ “
“ “ “ “ “ “
under the Provisions of this Treaty, are to be supplied.¹ It is further agreed that until a mixed Court of Justice shall be actually established in a Portuguese

¹ to end after the word “supplied.”

settlement, [the^a] mixed Court of Commission^b established [at Rio de Janeiro, under the Convention of November 23rd, 1836, between Great Britain and Brazil shall be], and the same is hereby empowered to take cognizance of any case of Portuguese Slave Trade which may be brought before it, and to decide such case according to the principles and stipulations of the present Treaty, and of the several Annexes thereof; and Her Most Faithful Majesty engages to add, as soon as possible, to the said Mixed Court of Commission^c [at Rio de Janeiro] two Commissioners on the part of Portugal to act^e [in the room of the Brazilian Commissioners] in the cases of Portuguese vessels brought before the said Commission. And the said high contracting parties further agree that^f [if the Brazilian Commissioners at Rio de Janeiro shall refuse or decline to act in the cases of Portuguese vessels brought for adjudication before the said Commission, then, and in such case] the British Commissioners^g [at Rio de Janeiro] shall be and are hereby empowered to take cognizance of and to adjudicate such cases,

Memoranda of Answers to be returned by Lord Howard, to the Proposals of the Portuguese Government.

¹ No alteration of limits can be agreed to. The article must stand as proposed by Great Britain.

* Care must be taken to make no mistake as to "eastward" and "west" in writing out the Treaty.

¹ The objection made by Portugal to the Authority, to be given to the Court at Rio de Janeiro is to be admitted ; a proposal to be made, that a Court shall be established at the Bahamas, and the Article to be altered in consequence, as mentioned below.

^a For *the* read *a*.

^b Insert the words *shall be*.

^c Omit the words placed within brackets, and insert instead the following words :—

"within the British settlements on the Bahama Islands."

^d Omit the words placed within brackets, and insert the following words :—

"within the British settlements on the Bahama Islands."

^e Omit the words placed within brackets.

^f Omit the words placed within brackets.

^g Omit the words placed within brackets, and insert the following words :—

"of the said Court, to be established within the British Settlements on the Bahama Islands."

CLASS B.

2 A

Draft as sent out to Lord Howard de Walden,
March 24, 1838.

Proposals of the Portuguese Government sent
home by Lord Howard, with his Despatch
No. 6, April 24, 1838.

until such time as the two Commissioners, to be nominated on the part of Portugal^h [to act in the room of the Brazilian Commissioners] shall have been appointed, and shall be ready to act, or until a Mixed Court of Justice shall have been actually established in a Portuguese settlement.

ARTICLE XVI.

^h ARTICLE XVI.
becomes Article XVII. by insertion of
the following

ARTICLE XVI.

It is hereby agreed that either of the two High Contracting Parties shall have the right, at the end of fourteen years, to require a revision of any details of this Treaty, as laid down in Article I., on giving six months' notice of a desire to make such revision, and of then proposing, discussing, and making such amendments or additions as the real interests of their respective subjects may seem to require. It being understood, that any stipulation which at the period of the Treaty shall be objected to by either of the High Contracting Parties, shall be considered as suspended in its operation until the discussion concerning that stipulation shall be terminated by common consent; six months' notice being previously given to the other Contracting Party, of the intended suspension of such stipulation, for the purpose of avoiding mutual inconvenience.

¹ XVII.

^m Seventeen.

ARTICLE [XVI.]

The present Treaty consisting of [Sixteen] Articles.

Memoranda of Answers to be returned by Lord Howard to the Proposals of the Portuguese Government.

¹ Omit the words placed within brackets.

Note.—If the Government of Portugal will not agree to this proposal, the Government of Portugal is itself to mention some spot in the American Seas where it desires that the Court may be seated.

^{1 & 2} This Article will stand as it stood originally in the Draft sent out to Lord Howard on the 24th of March, 1838.

(Signed) PALMERSTON.

Foreign Office, May 5, 1838.

No. 101.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, May 5, 1838.

I HAVE to inform your Lordship that Her Majesty's Government entirely approve and adopt the memorandum, which you gave confidentially to M. Sà da Bandeira, as stated in your Despatch, Slave Trade, of the 24th April, 1838.

Her Majesty's Government would on no account undertake to give to that of Portugal a guarantee of the Colonial possessions of the Portuguese Crown: but if Portugal concludes the Treaty which has been proposed to it, for the effectual abolition of the Slave Trade under the flag of Portugal, Her Majesty's Government is willing to promise that contingent assistance, limited, both as to its nature, and as to the time within which it is to be afforded, which is mentioned in your Lordship's memorandum.

I am, &c.

(Signed) PALMERSTON.

The Lord Howard de Walden,
 &c. &c. &c.

No. 102.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, 12th May, 1838.

I SEND to your Lordship a copy of a resolution which was voted *unanimously* by the House of Commons, on Thursday, the 10th of May instant, to the effect, that an humble address should be presented to Her Majesty; representing to Her Majesty, that the Slave Trade still continues with great intensity, and that it has even been aggravated in all its horrors: that one of the most probable means of abolishing that traffic would be a general declaration of all the Christian Powers that the Slave Trade is piracy, and ought to be punished as such: that a mutual right of search between Great Britain and foreign states would be another of the means likely to attain the important object in view; imploring Her Majesty to represent these the opinions, wishes, and hopes of the House of Commons upon this subject, in such manner as to Her Majesty shall seem likely to be effectual, to Her Majesty's allies; and further, expressing the deep concern of the House of Commons at learning, that Portugal has not yet fulfilled the engagements which she has taken towards Great Britain, by concluding with Great Britain an adequate treaty for the suppression of the Slave Trade.

I have received Her Majesty's especial commands to instruct your Lordship to communicate this resolution to the Portuguese Government, and to request their most serious and immediate attention thereto.

Your Lordship, in communicating this document to the Portuguese Government, will at the same time say, that it is not possible for Her Majesty's Government to permit the continuance of that system of piracy, and of that war upon the human race, which, to the disgrace and scandal of the civilized world, the flag of Portugal at present invests with impunity.

You will observe, that Great Britain has paid to Portugal the enormous sum of 600,000*l.* on condition that Portugal should co-operate with Great Britain in finally and utterly abolishing the Slave Trade; and that, although Portugal has received the price of her co-operation, she has not hitherto performed her part of the reciprocal conditions.

You will remind the Government of Portugal, that Great Britain engaged, by the Treaty of 1815, to abstain from interrupting the Slave Trade, under the Portuguese flag, to the south of the Line, so long as that trade might be permitted by the law of Portugal, and provided such trade should be carried on solely for the supply of the transatlantic possessions of the Crown of Portugal.

You will state that the Slave Trade has now been absolutely and entirely prohibited by the laws of Portugal, and that Portugal has long ceased to have any transatlantic possessions.

The conditions, therefore, which Great Britain attached to her engagement to abstain for a time from interrupting Slave Trade carried on under the flag of Portugal to the southward of the Line have ceased to be applicable, and Great Britain is now free to act as she pleases in this matter.

Her Majesty's Government, indeed, are most anxious to obtain, for the accomplishment of the just and righteous object which they have in view, that co-operation on the part of Portugal, for which Portugal has received so large a sum of money, and which Portugal has, by treaty, solemnly bound herself to afford. And for this purpose Her Majesty's Government have offered to that of Portugal a fresh treaty, by means of which such co-operation would be given in a manner honourable to the Portuguese nation and crown. But Her Majesty's Government feel it to be due to the frankness which ought to mark the intercourse between friendly states, explicitly to declare, and your Lordship is accordingly instructed formally and distinctly to declare to the Portuguese Government, that if Portugal shall decline, or shall any longer demur to conclude that treaty, Great Britain will proceed, without further delay, to accomplish by her own means the object, for the attainment of which she will thus have failed in obtaining the co-operation of Portugal.

Your Lordship is instructed to read this Despatch to M. Sà da Bandeira, and you will deliver to him officially a copy of it, and of its enclosure.

I am, &c.

Lord Howard de Walden,
&c. &c. &c.

(Signed) PALMERSTON.

No. 103.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, 12th May, 1838.

WITH reference to my other Despatch to your Lordship of this date, upon Slave Trade, I have to instruct you, that if M. Sà da Bandeira shall object to assimilate the law of Portugal to that of Great Britain, by declaring the crime to be piracy; and if he shall rest his objection upon a disinclination to attach a capital punishment to the crime, you will inform Viscount Sà da Bandeira, that by an Act which was passed in the last Session of Parliament, the punishment attached to Slave Trading was mitigated from that of death to that of transportation for life, although the offence still remains denominated piracy.

Therefore the Portuguese Government, by engaging to assimilate the law of Portugal to that of England upon the subject of Slave Trade, would not be required to affix to the crime the punishment of death.

But Her Majesty's Government attach much importance to the moral effect which would be produced upon public opinion in Portugal, by branding the crime of Slave Trade with the name of piracy, and by applying by law to those who may engage in it the infamous designation of pirates.

I am, &c.

(Signed) PALMERSTON.

Lord Howard de Walden,
&c. &c. &c.

No. 104.

Lord Howard de Walden to Viscount Palmerston.—(Received May 16.)

MY LORD,

Lisbon, May 7. 1838.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, of the 28th of April, marked Slave Trade, in which your Lordship conveys to me Her Majesty's commands, that, before I quit Lisbon on leave of absence, I should obtain from the Portuguese Government a distinct and formal declaration, whether they will or will not conclude the treaty for the abolition of the Slave Trade, the Draft of which your Lordship forwarded to me, in your Despatch of the 24th March last.

I have the honour to inform your Lordship, that such progress has already been made in the negotiations of this treaty, that no principle remains to be discussed or contested by the Viscount de Sá da Bandeira.

Various alterations in details have been required by His Excellency, but they are such as, I trust, will not affect the efficiency of the treaty, while it will render it less unpalatable to the Portuguese public; and remove grounds upon which opposition might be got up by the clubs to its ratification, on its being presented to the Cortes.

I have, &c.

(Signed) HOWARD DE WALDEN.

The Right Hon. Viscount Palmerston, G.C.B.,

&c. &c. &c.

No. 105.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, May 19, 1838.

I HAVE received your Lordship's Despatch upon Slave Trade of the 7th of May, 1838.

Your Lordship, in reporting that progress has been made in the negotiation of the Treaty upon Slave Trade, states that various alterations have been required by M. Sá da Bandeira. I think it right, therefore, to remind your Lordship, that the amended draft of the Treaty sent out to you on the 24th of March, 1838, involves no principle, and contains no stipulation which has not already been agreed to by the Government of Portugal; and that it was sent out to your Lordship in that amended form, in order that your Lordship might present it to the Government of Her Most Faithful Majesty, as a Treaty which, word for word, as it now stands, they might conclude and sign.

Your Lordship must be aware, that verbal alterations, proposed in such a Treaty as this by the party whose subjects are habitually and systematically addicted to the trade, which the Treaty is intended to suppress, require to be watched with the utmost jealousy and attention, lest, under the pretext of making verbal alterations, the purpose of the Treaty should be defeated.

Your Lordship is therefore instructed to resist any further alterations, and to require that the Treaty be signed, according to the instructions sent out to your Lordship by the mail of last week.

I am, &c.

The Lord Howard de Walden,

(Signed)

PALMERSTON.

&c. &c. &c.

No. 106.

Lord Howard de Walden to Viscount Palmerston.—(Received May 21.)

MY LORD,

Lisbon, May 10, 1838.

I HAVE the honour to enclose the copy of a note, which I received on the 8th inst. from the Viscount de Sà da Bandeira, in which His Excellency makes a demand, as a condition of the conclusion of the Treaty, the discussion of which, on all important points, I had been led by him to look upon as already terminated on his part, that great Britain should guarantee the African colonies to the crown of Portugal, against any insurrection which may occur in those provinces, as well as against any attempts of Foreign Powers to foment rebellion, or possess themselves of them.

It is impossible to look upon the bringing forward this proposition, founded as it is on the unexplained resistance of a Governor of a Portuguese colony to the law of the country, and brought forward at the eve of my expected departure from Lisbon, but in the light of a desire to protract indefinitely the negotiation, until after the breaking up of the Parliament of England; and thus to ward off the immediate consequences of the refusal, on whatever pretext it might hereafter be based, to comply with the just demands of Her Majesty's Government.

I do not attribute to the Viscount de Sà da Bandeira the desire to protect the Slave Trade; as I believe him to be impressed with a high idea of the value and resources of the African colonies of Portugal; and that, if well directed, on the abolition of the depopulating system of exportation of negroes, they might be made to replace to the mother country the loss of the Brazils. I am, however, convinced, that delay is now the object of Viscount de Sà, in order to relieve himself from daily persecution from those who, through active intrigue, are opposing the abolition of the Slave Trade; and that he thinks he can in some measure conciliate certain parties, whom he looks upon as still important politically, by allowing them a somewhat longer period for their transactions, previous to cutting off the source of extensive advantages to them, the loss of which might provoke vindictive hostility, inconvenient to the Government during the ensuing elections.

I have thought it right, under these circumstances, to declare positively to the Viscount de Sà da Bandeira, that the insisting on the conclusion of any such engagement as that proposed by him at this moment, as the condition of the signature of the proposed Treaty, must be looked upon by me as the breaking off of our negotiation; and I trust in so acting, which I do with great regret, that your Lordship will not disapprove of my having done so.

The draft of the Treaty, as it now stands, will make manifest the spirit of conciliation, of deference, and of consideration for the position of the Viscount de Sà da Bandeira, with which I have conducted this long, harassing, and vexatious negotiation; and it has been only on the conviction of the spirit in which this inadmissible proposition has originated, that I have been induced to decide, though reluctantly, under the contingency in question, to break off further negotiation, and avail myself of my leave of absence at once to quit Lisbon.

I enclose a copy of a note which I have addressed in reply to Viscount de Sà da Bandeira.

I have, &c.

(Signed)

HOWARD DE WALDEN.

The Right Hon. Viscount Palmerston, G.C.B.,

&c.

&c.

&c.

First Enclosure in No. 106.

(Translation.)

Viscount de Sà da Bandeira to Lord Howard de Walden.

THE undersigned, President of the Council of Ministers, and Secretary of State for Foreign Affairs, has the honour to inform Lord Howard de Walden, Envoy Extraordinary, &c., that Her Majesty's Government was a few days ago put in possession of the circular, a copy of which is enclosed, and which the Marquis of Aracaty, Governor-General of Mozambique, caused to be published on the 11th November, 1837, in that province, suspending therein the execution of the Decree of the 10th December, 1836, which completely abolished the Slave Trade in the Portuguese Dominions.

The reasons with which the Marquis in question endeavours to justify this extraordinary and dangerous step, as well as the high opinion due to his well-known firmness, honour, and integrity, irrefragably demonstrate, that the document referred to was extorted from him by the force of imperious circumstances in which he was placed.

It is much to be feared, that this melancholy instance of insubordination will be followed by the other Portuguese possessions in Africa, for which there will not be wanting instigations, not only from the natives of this country, who are interested in this infamous traffic, but also from foreigners—Brazilians, as well as of other nations of Europe and America, who, making use of the Portuguese name, are those that gain the most by that odious traffic, and that are the most concerned in promoting the rebellion of those provinces against the mother country, as the safest means of bringing about their separation, and the continuance of their exorbitant gains.

In such arduous and delicate circumstances, and considering the state of decay of the Portuguese navy, in consequence of so many calamities and political convulsions which the nation has gone through, as well as the want of resources in the national treasury, it is impossible for Her Majesty's Government in any way to entertain the provisions of the said Decree, any more than the stipulations of the Treaty on the point of being concluded for the suppression of the traffic in question, unless the British Government, on its part, give to the Crown of Portugal a formal and explicit guarantee of the said dominions, against any insurrection which might occur in those provinces, as well as against any attempts of foreign Powers, that might endeavour to foment the rebellion, or wish to possess themselves of the said dominions.

It will therefore be indispensably necessary for this guarantee to be explicitly stipulated, in order that, if required, it might be carried into effect; and it will then be proper to declare that, should the circumstances to which I have alluded occur, the Government of Her Britannic Majesty, on the application of the Government of Her Most Faithful Majesty, or the superior authorities in the British possessions, on the application of the governors and legitimate authorities of the Portuguese dominions, will furnish the assistance by sea and land, in the manner, number, and quality that may be agreed on in ulterior discussions, to the end that this definitive stipulation may be afterwards inserted in the future Treaty for the suppression of this traffic, on which his Lordship and the undersigned have conjointly been employed, and which is about to be concluded.

The undersigned, having reflected on this most important subject, which is of the last consequence to the Portuguese nation, inasmuch as it is not to be doubted that should, by chance, not the greatest circumspection and reflection be employed, the consequence might perhaps be a new dismemberment of the monarchy, agrees to the plan mentioned by his Lordship, of framing an additional article to the Treaty in question, since, by its publication, it will serve to prevent the disastrous events which may be apprehended.

*Office of Secretary of State for Foreign Affairs,
May 8th, 1838.*

*Lord Howard de Walden,
&c. &c. &c.*

The Undersigned, &c.
(Signed) SA DA BANDEIRA.

Sub-Enclosure in No. 106.

(Circular.)

THE Marquis of Aracaty, Councillor of Her Most Faithful Majesty, Grand Cross of St. Barto of Avis, &c. &c., Governor-General of Mozambique, and its dependencies on the east coast of Africa, &c. &c., I make known to all who shall see this, that, having seriously studied, and deeply pondered and meditated upon the foundation and arguments which have served as the basis of the representations, which were addressed to me by the inhabitants of this city, through the mediation of the Municipal Chamber, and also by the Receiver-General of the Public Revenues, I have arrived at the conviction, by the detailed examination I have made of all the circumstances marked in the said representations, that I could not refuse the prayer made to me therein, without giving rise, voluntarily, to evils of such magnitude, that it would become out of my power to remedy them; reflecting also that, if, on the one hand, I am responsible for the execution of the orders of Her Most Faithful Majesty, I am, on the other, responsible for the safety of all the dominions of the Crown situated on the east coast of Africa, that my conscience would accuse me every time I risked this safety and preservation, even when for my justification I had the excuse of obedience; that the weight of responsibility in such cases does not fall on the Government which issues the general orders, with the just intention of their being executed in the various places, to which the authorities are bound, with such modifications as the circumstances of these places require, but on those authorities only, who, shutting their eyes to these circumstances, indiscreetly execute orders, which the Government itself would not wish to be executed if they were informed of the said circumstances: that, knowing as I do so thoroughly the purity and sublimity of the upright intentions of the maternal and angelic heart of Her Majesty, as well as of her wise Government, it would be a crime in me to harbour the thought that it could be the wish of the said Government that, disregarding the said representations, I should, with indiscreet zeal, consummate the ruin of this province, by executing orders which without a doubt would produce that fatal result; ruining [on the one hand, those subjects of Her Majesty who have employed their capital in the only commerce of exportation, which this province offers under present circumstances, and, on the other, reducing all those who live by the revenue of the State, throughout the immense extent of it, to perish of hunger, through the absolute want of means in which the public coffers would be left; that again, putting aside the attention which private fortunes deserve, and which would thus be destroyed, it is sufficient to be convinced that Her Majesty would never be pleased that I, with the representation of the Receiver-General of the Public Revenue before my eyes, and still more the enormous deficit of that Revenue, which urges the necessity of satisfying with punctuality the current expenses of this Government, should myself render this calamitous situation worse, when I have just brought above two hundred persons to this province, who must live by those revenues, and absorb a great portion of them, owing to the advantages which her Majesty has granted to more than half of them, and senselessly (*estupidamente*) cut off the means of subsistence, by suppressing the only branch of public revenue which can furnish me the necessary means of meeting this increase of expense; that I should be doubly responsible for such an absurd proceeding, since, more or less, according to the will of my predecessors, the revenue proceeding from the exportation of slaves has always been maintained, to go now for the first time and suppress it, were I not to attend to the said representations.

I therefore declare that I yield to the force of such powerful arguments, urged by the scrupulous examinations of those which have been exposed to me in the said representations, impelled and overcome by the imperious law of necessity (superior to all other laws), and I admit and accept the said representations, for the purpose of laying them most respectfully before the Government of Her Majesty; and until Her Majesty be pleased to solve this delicate affair, I suspend in all the districts of this province the execution of the Decree of the 10th December, 1836. But, that no doubt may remain (proceeding with my hand upon my heart), that I am only moved by consideration for the public good and the better service of the Queen, which always were and always will be as long as I live the principal objects of my veneration; I declare at the same time that, to embark slaves in this city, and to

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export them thence, I only grant a licence to those who, for each, shall pay a duty of seven pieces and a half, or 18,000 reis (about 4*l.*), without any other onus or expense being due, either to the Custom-house department or any other; secondly, that this licence, thus granted, shall be, and is already revoked for whosoever, after having obtained the same, obliging themselves to the said payment, shall be found on examination, or by being informed against, in the act of transporting a greater number of slaves than that declared by them and paid for accordingly; and to all persons employed in this fiscalization, in whatever branch of the public revenue service, I command the utmost vigilance to avoid, on their responsibility, the evasion of this order.

Given in the city of Mozambique, 11th November, 1837.

(Signed)

MARQUIS OF ARACATY.

Governor General in Council,

(A true copy)

(Signed)

PAULO MEDOSI.

Department of Foreign Affairs, 4th May, 1838.

Second Enclosure in No. 106.

Lord Howard de Walden to Viscount de Sà da Bandeira.

Lisbon, May 9, 1838.

THE Undersigned, &c. has the honour to acknowledge the receipt of the note addressed to him by the Viscount de Sà da Bandeira, &c., transmitting to him a copy of the Circular received a few days ago by the Government of Her Most Faithful Majesty from the Marquis of Aracaty, Governor-General of Mozambique, and issued by him on the 11th of November last, suspending within the Government under his jurisdiction the Decree of the 10th of December, 1836, by which all the traffic in slaves was abolished within the Portuguese dominions, and in which his Excellency the Viscount de Sà da Bandeira, fearing that the fatal example of insubordination which gave rise to this extraordinary step of the Marquis, whose firmness, honour, and loyalty are sufficiently known to prove that the document above alluded to must have been extorted from him by the force of the imperious circumstances in which he was placed may be followed by the other Portuguese possessions in Africa, who will not want the excitement to that effect, not only from the people of the country interested in the infamous Slave Trade, but also from natives both of the Brazils and other nations of Europe and America—further proposes, under these delicate and dangerous circumstances, considering the decline of the Portuguese navy, result of the political convulsions through which the nation has passed, and the want of means of the national treasury, and consequent absence of the power of the Government of Her Most Faithful Majesty, to execute in any way, either the dispositions of the said Decree, or the stipulation of the future Treaty for the suppression of the said traffic, that the British Government should give a formal and explicit guarantee of the said dominions to the Crown of Portugal against any insurrection which may occur in those provinces, as well as against any attempt on the part of Foreign Powers to foment rebellion in, or possess themselves of, these dominions.

The circumstances of the Government of any Portuguese colony not executing the Decree of the 10th December, 1836, for the abolition of the Slave Trade, will cause no surprise to Her Majesty's Government, after the experience they have had of the frequent and fruitless remonstrances made to the Government of Her Most Faithful Majesty against the direct encouragement given by the Portuguese authorities in different parts of the world to the Slave Trade.

It is not for the undersigned, entirely uninformed as he is as to any circumstances which justify the Marquis of Aracaty's proceedings, to enter at present into an analysis of his extraordinary conduct, further than to remark that the document, of which the Viscount de Sà da Bandeira encloses a copy, represents views and practices, in regard to the colonial possession of Portugal in Africa, totally opposed to those which the undersigned has understood from the Viscount de Sà da Bandeira to be the policy of the Government of Her Most Faithful Majesty, and

contains no evidence of real danger of a nature to be in any way alarming to Her Most Faithful Majesty.

It might be inferred, indeed, that, if powerful opposition has been made by those interested in perpetuating the inhuman traffic in slaves, for their own private interests, the temptation to make such opposition has been created by delay in concluding a Treaty for the effectual suppression of the Slave Trade; as it is manifest that had a naval force been employed off the coast of Mozambique to enforce the stipulations of a Treaty having for its basis the effectual prevention of this traffic, in accordance with Her Most Faithful Majesty's Decree, the object of those who might be disposed tumultuously to resist the operation of that Decree within the territory of Mozambique would have been rendered nugatory by an efficient observation kept up at sea.

With reference, however, to the most important feature of the Viscount de Sà da Bandeira's note, and which is based on this document of the Marquis of Aracaty, viz., the demand that the British Government should give a formal and explicit guarantee of the African dominions of the Crown of Portugal, against any attempt on the part of Foreign Powers who may seek to foment rebellion, or possess themselves of those dominions, the undersigned will lose no time in laying before Her Majesty's Government his Excellency's note.

The undersigned has no hesitation whatever in assuring his Excellency that Her Majesty's Government will be most disposed to take into consideration the mode and the extent to which assistance may be afforded to Her Most Faithful Majesty's authorities in any of her colonial possessions, where tumult may be promoted at the instigation of those interested in the perpetuation of the inhuman traffic in slaves, in contravention of the solemn engagement of the Crown of Portugal towards Great Britain.

Previous, however, to entering into engagements such as are desired by the Viscount de Sà da Bandeira, his Excellency must be aware that it would be most sensible for the Governments, before commencing a discussion on an affair of such importance as that brought forward by his Excellency, that some data should be afforded as to the extent and nature of the danger in the respective colonies, as apprehended by the Portuguese Government, as the basis of such a negotiation, more specific and intelligible than are presented by such a document as the circular of the Marquis of Aracaty, which in fact, appears to be nothing less than a manifesto, first, for the perpetuation of the Slave Trade in Mozambique, and, second, for the appropriation of certain fees as the proceeds of that infamous traffic.

It is, however, in the event of any tumults, having for object the continuance of the Slave Trade, being apprehended in any of the colonial possessions of the Crown of Portugal, that a speedy conclusion of the proposed Treaty with Great Britain, for the purpose of bringing at once into effective operation the law abolishing it, would be the most certain mode of enlightening those who might be tempted to resist, under pretexts of advantages and impunity to be derived to themselves individually, under the forcible continuance of the Slave Trade, as to the futility of such calculations.

Although the undersigned is not prepared at the present moment to give any distinct pledge on behalf of Her Majesty's Government, as to the precise form in which any assurance might be given, or any engagement contracted, by Her Majesty's Government on the most important point in question, he is nevertheless ready to accept of such a project of either a declaratory note or article, to be made the basis of future negotiation, and which note or article, as the case might be, when agreed upon between the two Governments, may be invested with the same force as if inserted in the body of the Treaty.

The undersigned must, however, state to his Excellency that, if this question is to be made now a cause for any further delay in the conclusion of the Treaty, the signature of which, by the Viscount de Sà da Bandeira, in its present form, the undersigned has been led to expect for some time past, it will become his painful duty to declare that the negotiations, with reference to this Treaty, must be looked upon as terminated with him; nor can he hold out, under such a contingency, the possibility of their being again renewed until after a decision shall have been taken by the British Parliament on the subject of the Slave Trade.

The undersigned has received positive instructions to obtain, without loss of time, a distinct answer from the Portuguese Government as to their intention with regard to the Treaty of which the undersigned presented the draft on the 15th of April

last. The undersigned has already delayed his departure three weeks beyond the time when the definitive result of the negotiations, in which he has been engaged with his Excellency, has been expected by Her Majesty's Government; and as, on the result of that negotiation must depend the attitude to be taken by Her Majesty's Government in Parliament in respect to the Slave Trade, the undersigned, considering the advanced period of the session, does not feel himself authorised, on new grounds, brought forward at the eleventh hour, to protract the negotiation, or to postpone any longer rendering personally an account of the state of this important question, as regards any effectual co-operation to be expected from the Portuguese Government towards the suppression of the ever-increasing Slave Trade, notorious to the whole world, which is carried on from the African colonies of Her Most Faithful Majesty, protected by her authorities and in direct contravention of the laws, and under the abuse of the national flag of Portugal.

The undersigned, having thus made known explicitly to his Excellency the embarrassments which must attend the postponement of the signature of the Treaty, as has been agreed upon between his Excellency and himself, must assure his Excellency that Her Majesty's Government will be ready to enter, immediately after its conclusion, into consideration of the position of the Government of Portugal towards the African colonies, with the most solicitous regard for the interest and safety of these important possessions of her old ally, as having a claim upon Great Britain, such as, under other circumstances connected with the continuation of the Slave Trade, Her Majesty's Government may be unwilling or unable to recognise.

The Undersigned, &c.

(Signed)

HOWARD DE WALDEN.

His Excellency the Viscount de Sà da Bandeira,
&c. &c. &c.

No. 107.

Lord Howard de Walden to Viscount Palmerston.—(Received May 21.)

MY LORD,

Lisbon, May 12, 1838.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of the 5th instant, marked Slave Trade, conveying to me instructions relative to the alterations proposed by the Viscount de Sà da Bandeira, to be made in the project of Treaty now under negotiation, for the abolition of the Slave Trade.

By my Despatch of the day before yesterday's date, your Lordship will have perceived, that there was reason to expect that difficulties would be created for the purpose of delaying the signature of this Treaty. Your Lordship will not therefore be surprised to learn, that the Viscount de Sà da Bandeira objects peremptorily to certain points made indispensable by Her Majesty's Government.

Under these circumstances, I have considered it my duty not to protract any longer the negotiation by remaining at Lisbon; and I have announced to the Viscount de Sà da Bandeira my immediate departure.

I have, &c.

(Signed)

HOWARD DE WALDEN.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 108.

Lord Howard de Walden to Viscount Palmerston.—(Received May 21.)

MY LORD,

Lisbon, May 13, 1838.

IN fulfilment of your Lordship's instructions, I have addressed to the Viscount de Sà da Bandeira the note, of which the draft was transmitted to me in your Despatch* of the 30th of April, marked Slave Trade. I had had pre-

* For this note see Papers presented to Parliament in the Session of 1838. Further Series Class B., No. 43, page 34.

vously, the same day, the opportunity of communicating to his Excellency the contents of your Despatch of the 9th of April, and its enclosures, relative to the disgraceful extent to which the Slave Trade has been carried on under the Portuguese flag, not only in total disregard of the laws, but under the direct encouragement and co-operation of the authorities of the Crown. The Viscount has expressed his extreme mortification at my communication, and requested me to make the contents of the Despatch in question known to him officially; and his Excellency further stated his intention of at once recalling the Governor of Angola, as soon as ever he could find a successor. The Viscount added that he had heard rumours of the Governor in question not conducting himself in regard to the Slave Trade in conformity with his duty, and that he had in fact already decided to remove him, having offered the appointment successively to two persons, but who had refused the situation.

I have, &c.

(Signed) HOWARD DE WALDEN.

The Right Hon. Viscount Palmerston, G.C.B.

&c. &c. &c.

No. 109.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, 24th May, 1838.

I HEREWITH transmit for your information two copies of two series of papers relating to the Slave Trade, which have been presented to the two Houses of Parliament, during the present Session, by Her Majesty's command.

I am, &c.

Lord Howard de Walden,

(Signed) PALMERSTON.

&c. &c. &c.

No. 110.

Lord Howard de Walden to Viscount Palmerston.—(Received May 30.)

MY LORD,

Lisbon, May 20, 1838.

I HAD an interview on the 18th instant with the Viscount de Sà da Bandeira, when I communicated to His Excellency the contents of your Lordship's Despatch of the 12th of May, marked Slave Trade, and of which I delivered to him a copy. The Viscount seemed hurt at this Despatch; and remarked that he thought the communication of it peculiarly ill-timed, at the moment when there was reason to expect, that our negotiations were about to be brought to a satisfactory termination.

I replied, I should be very glad if that should turn out to be the case; and that, if the result of that day's conference should be the conclusion of the Treaty, I would take upon myself not to render the communication of the Despatch so formal as to leave a copy with him.

After having reconsidered various points under discussion as to details of articles which had been corrected and revised repeatedly, we proceeded to discuss the question of making the Slave Trade piracy.

I explained to his Excellency, that it was to the solemn declaration of the Crown of Portugal, stigmatising those engaged in the Slave Trade with the brand of Infamy, that the British Parliament and Her Majesty's Government attached so much importance; that when, in fact, the existing law of Portugal, did enact, as the penalty of the Slave Trade, a punishment such as might be considered of the secondary character, though not sufficiently severe, I did not understand on what principle he could resist the just expectations of Great Britain.

I pointed out to his Excellency, that Slave Trade was declared piracy by the laws of Great Britain and of the United States; that Brazil had, under Treaty, declared Slave Trade piracy; that Spain had engaged to pass a law to the same effect, by assimilating her law in respect to the Slave Trade to that of Great Britain; that, in the Netherlands, Slave Trade, was punished with fourteen years in the galleys, under a law passed many years ago, when the feeling of Christendom against the Slave Trade was by no means so strong and so universal as it is at present.

The Viscount brought forward, as objections, that piracy in Portugal was a

capital crime, and came under an imperfect law in connexion with high treason; and that it would therefore be necessary to enact a new law, to which he felt the greatest objection, with reference to the opposition which would certainly be entailed thereby to the ratification of the Treaty by the Cortes.

I observed to his Excellency, that this very fact of the absence of a good general law relative to piracy would much facilitate the carrying through the measure in question; and that, when it was obvious to the whole world that in Portugal there was now a mania for legislating, the indisposition to submit to the Cortes a really necessary and effective law on so important a principle as that proposed, connected with piracy, would be unintelligible.

The Viscount then brought forward objections (such as certainly would be taken up in the Cortes), on the ground, that the engagement by Treaty, to assimilate the legislation of Portugal to that of another country, was unsuitable to her dignity. I explained to his Excellency that, in acting as Great Britain had done, she was in fact only following the broad principle laid down at the Congress of Vienna, and co-operating with all the Powers in Europe for the extinction of the Slave Trade; but that, if the wording of the article, under mistaken feelings, wounded any notions of dignity, I would consent to omit the expression assimilating, &c. provided he would consent to the concluding stipulation of the proposed article declaratory of piracy.

To this proposition the Viscount still objected; and, on my pressing him more strongly, and pointing out the mischievous effect and disagreeable consequences of the breaking off of our negotiations at this point, when the Treaty might, by this concession, be brought to a satisfactory conclusion, he said he could do nothing more on this subject without consulting his colleagues.

The Viscount then revived the question of a guarantee to Portugal of her African dominions, to be given by Great Britain, in the shape of an additional article. I stated to his Excellency, that I had no powers to treat on the details of such a measure; that my official declarations laid down the basis of any engagements into which Her Majesty's Government might be disposed to enter, and which ought to be accepted as sufficient.

His Excellency, however, considered that a declaration to that effect, to be published simultaneously with the Treaty, was not only of paramount importance to the security of the Portuguese colonial possessions in Africa, but that, accompanying the Treaty, when presented to the Cortes, it would tend to mitigate and counteract all dangerous opposition, which might be made by the opponents of the Government to the ratification.

The Viscount then delivered to me a project of an article, a copy of which I herewith enclose, and which (although I declared it at once to be inadmissible), he requested me to take with me, and make my reflections on it against our next meeting. On Saturday I had another long conference, at which his Excellency declared, that the difficulties under which he laboured as to the piracy article were insurmountable. He stated that no Minister at this moment could venture to contract an engagement to pass such a law, with a knowledge of the feeling which existed throughout the country respecting Slave Trade; there being on one side active opposition to the suppression of the Slave Trade, while total indifference was the characteristic of the feelings of the greatest part of those, to whom the Government must look for support as against the machinations of the advocates of the Slave Trade.

There is certainly great truth in what the Viscount states; but still, with the prospect, as at present exists, of elections of a favourable character, I do not estimate the risk of opposition so high as his Excellency does. But the Viscount being party to a measure extremely obnoxious and injurious to the individual interests of certain influential persons, he is perhaps too much alive to the unpopularity, which the act of signing a Treaty for the abolition of the Slave Trade will entail upon him with that party, and therefore overrates the chances of serious opposition in the Cortes.

With reference to the project of guarantee, I repeated to his Excellency, after reflection, what I had stated before, that I could not swerve from the declaration I had made to him, of my inability to enter into details of the auxiliary assistance, which Her Majesty's Government might be disposed to afford to the Government of Portugal, in the event of disturbances caused in the African possessions, fomented and excited by those interested in resisting the operation of the law abolishing the Slave Trade; but that I might, perhaps, if we agreed on other points, con-

sent to sign a very general article, *sub spe rati*, as the basis of future negotiations. With this view I submitted to him the draft of an article, as roughly embodying my ideas on the subject, of which I enclose a copy.

In order to record the objections brought forward by the Viscount de Sà da Bandeira, on the part of the Portuguese Government to the required declaration as to piracy, I addressed a note to his Excellency, of which I enclose a copy, submitting drafts of two articles embodying that principle, either of which I proposed to adopt. In reply to this note the Viscount has promised to make such a declaration on the subject of piracy, as his Excellency trusts confidently will remove the only difficulty on the part of Her Majesty's Government to accepting the Treaty, as it will stand on my departure from Lisbon.

I have, &c.

(Signed)

HOWARD DE WALDEN.

To the Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

First Enclosure in No. 110.

Guarantee Counter Project.

IN order to guard against any opposition, which may result from the execution in the Portuguese dominions in Africa, of the Treaty concluded between Her Most Faithful Majesty and Her Britannic Majesty, for the total abolition of the traffic in Slaves, of a character which may endanger the tranquillity or safety of the said dominions, whether fomented by natives or foreigners, Her Britannic Majesty promises an effectual aid to the Government of Her Most Faithful Majesty, when such aid shall be requested of the British Government. The object, nature, amount, and duration of such assistance shall be regulated by special engagements, to be the subject of immediate negotiation between the two Governments.

Second Enclosure in No. 110.

Lord Howard de Walden to Viscount de Sà da Bandeira.

Lisbon, May 20th, 1838.

THE undersigned, &c. having maturely weighed the objections, brought forward by His Excellency Viscount de Sà da Bandeira, &c., to the adoption of an Article in the proposed Treaty for the abolition of the Slave Trade, declaring that traffic to be piracy, has the honour now to transmit to His Excellency two projects of an article embodying that principle, but one of which the undersigned hopes may be considered by His Excellency free from difficulties insurmountable by the Portuguese Government.

His Excellency will have recognised, in the communication the undersigned had to make to him yesterday, the very strong and anxious feeling which exists on the part of the British Parliament, and of Her Majesty's Government, on this subject, and the importance which is justly attached to the co-operation of the Government of Her Most Faithful Majesty in stigmatising as infamous a traffic denounced by the representatives of all Europe assembled twenty-two years ago, as disgraceful to Christianity.

The undersigned cannot too earnestly appeal to the Viscount de Sà da Bandeira, the Minister to whom the glory is due of having, during the short period of dictatorship, proclaimed the abolition of the Slave Trade, to take into his most serious consideration, in the same philanthropic spirit by which he was on that occasion influenced, the consequences which will be involved in the rejection of this proposal on the part of Great Britain to make Slave Trade piracy, which is made a condition, *sine quâ non*, of the conclusion of the proposed Treaty, by the loss of which such immense benefits to be conferred thereby on the human race, and of advantages to the possessions of the Crown of Portugal in Africa, will be destroyed.

The Undersigned, &c.

(Signed)

HOWARD DE WALDEN.

His Excellency the Viscount de Sà da Bandeira,

&c.

&c.

&c.

Sub-Enclosure in No. 110.

Two Projects of Article on Piracy.

Article 1st.

HER Majesty the Queen of Portugal and the Algarves hereby engages, that, immediately after the exchange of the ratifications of the present Treaty, and from time to time afterwards, as it may become needful, Her Majesty will take the most effectual measures for preventing her subjects from being concerned, and her flag from being used, in carrying on in any way the trade in Slaves; and especially that, within six months after the said exchange, she will promulgate throughout her dominions a penal law declaring Slave Trade piracy, and inflicting the most severe secondary punishment on all those her subjects who shall, under whatever pretext, take any part whatever in the traffic in Slaves.

Article 2nd.

Her Majesty the Queen of Portugal and the Algarves also engages that, in further pursuance of the stipulations contained in the first Article of this Treaty, she will forthwith take the necessary steps for enacting penal laws for the prevention of the Slave Trade, and by which Slave Trade shall be declared to be piracy, and those guilty of it subjected to the heaviest secondary punishment.

No. 111.

Lord Howard de Walden to Viscount Palmerston.—(Received May 30.)

MY LORD,

Lisbon, 21st May, 1838.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatches marked Slave Trade, up to those of the 12th instant.

I have, &c.

(Signed) HOWARD DE WALDEN.

The Right Hon. Viscount Palmerston, G.C.B.,

&c.

&c.

&c.

No. 112.

Lord Howard de Walden to Viscount Palmerston.—(Received May 30.)

MY LORD,

Lisbon, 22nd May, 1838.

I HAD this afternoon my last conference with the Viscount de Sà da Bandeira.

His Excellency having stated to me the necessity under which he felt himself, of again submitting the project of Treaty to the Council of Ministers, and that he was not prepared with the promised declaration as to the piracy question; and, moreover, that it was indispensable to obtain some more precise assurance than that I had proposed, relative to the assistance to be afforded to Portugal, in the event of disturbances in the Portuguese colonies,—I considered that in any longer delaying my departure from Lisbon, I should not be acting in a manner suitable to the circumstances of the case. If anything is likely to bring the Portuguese Government to a sense of their present position, perhaps nothing is more likely to open their eyes as a warning, than my departure.

The Viscount, on finding that I was not to be detained any longer, promised me that he would make such a declaration in a note addressed to me, as would satisfy Her Majesty's Government.

I herewith enclose a copy of the project of Treaty as it now stands, as well as of the project and counter-project of an additional Article respecting the guarantee, as questions for the consideration of Her Majesty's Government.

I have, &c.

(Signed) HOWARD DE WALDEN.

The Right Hon. Viscount Palmerston, G.C.B.,

&c.

&c.

&c.

1st Enclosure in No. 112.

Project of Treaty between Great Britain and Portugal, as agreed to by the Government of Her Most Faithful Majesty.

May 22, 1838.

PREAMBLE.

HER Majesty the Queen of Portugal and the Algarves, and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, being mutually animated with the most sincere desire of co-operating for the total extinction the barbarous traffic in slaves, and being anxious to complete the work commenced by the Treaties, which were concluded in 1815 and 1817 between the two Crowns, and which served as the earliest models for the subsequent Conventions, in virtue of which the greater part of the Powers of Christendom have, since that time associated together for the like object, the separation of the Brazils from the Crown of Portugal having, *de facto*, annulled the only reservation for which Portugal had stipulated in the Treaty of 1815; and the Queen of Portugal having further by a Decree of the 10th of December, 1836, abolished the Slave Trade throughout the Portuguese dominions, their Majesties have resolved to proceed to the conclusion of a Treaty for the double purpose of declaring in the most formal and solemn manner, that the said odious traffic is totally and finally abolished, as regards their subjects, and of rendering more effective in their operation the special laws enacted in both countries against the same inhuman traffic, for which purpose their Majesties have respectively named as their Plenipotentiaries, that is to say, who having communicated to each other their respective full powers, found to be in due and proper form, have agreed upon the following Articles.

ARTICLE I.

The two High Contracting Parties mutually declare to each other that the Slave Trade is, and shall for ever continue to be, totally and utterly abolished in every part of their respective dominions, and for all the subjects of their respective Crowns.

ARTICLE II.

In order more completely to carry into effect the spirit of the present Treaty, the two High Contracting Parties mutually renew the consent already stipulated in the Convention of 1817, that those ships of the Royal Navies, which shall be provided with special instructions for that purpose, as hereinafter mentioned, may visit such merchant vessels of the two nations, as may be suspected upon reasonable grounds of being engaged in the traffic in slaves, or of having been fitted out for the purposes thereof, or having, during the voyage in which they are met by the said cruisers, been engaged in the traffic in slaves, contrary to the provisions of this Treaty; and that such cruisers may detain, and send, or carry away such vessels, in order that they may be brought to trial in the manner hereinafter agreed upon.

In order to fix the reciprocal right of search in such a manner as shall be adapted to the attainment of the object of this Treaty, and shall at the same time avoid doubts, disputes, and complaints, the said right of search shall be understood in the form and according to the rules following:—

1st. It shall never be exercised, except by vessels of war, authorised expressly for that purpose, according to the stipulations of this Treaty.

2nd. In no case shall the right of search be exercised with respect to a vessel of the Royal Navy of either of the two Powers, but only as regards merchant vessels.

3rd. Previous to a merchant vessel being searched by a vessel of war, the commander of such vessel of war shall exhibit to the commander of the merchant vessel the document by which he is duly authorised to that end; and shall deliver to the said commander of the merchant vessel, a certificate, signed by himself, stating his rank in the naval service of his country, and the name of the vessel he commands; and this certificate shall also declare, that the only object of the search is to ascertain, whether the vessel to be searched is employed in the slave traffic, or is fitted up for the said traffic.

When the search is made by an officer of the cruiser who is not the commander, the said officer shall proceed strictly in the same manner as if he were the commander, after having previously exhibited to the captain of the merchant vessel a copy of the above-mentioned document, signed by the commander of the cruiser,

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and shall in like manner deliver a certificate, signed by himself, stating his rank in the Royal Navy, the name of the commander by whose order he proceeds to make the search, that of the cruiser in which he sails, and the object of the search, as has been already laid down.

If it appears from the search that the papers of the vessel are in regular order, and that the vessel is employed for licit purposes, the officer shall enter in the log-book of the vessel, that the search has been made in pursuance of the aforesaid special orders, and the vessel shall be left at liberty to pursue its voyage.

4th. The rank of the officer who makes the search must not be less than that of lieutenant of the Royal Navy, unless he be the officer who shall at the time be second in command of the searching vessel; or unless the command shall, by reason of death or otherwise, be held by an officer of inferior rank.

5th. The reciprocal right of search and detention shall not be exercised within the Mediterranean sea, or within the seas in Europe lying without the straits of Gibraltar, and which lie to the northward of the 37th parallel of North latitude, and also within, and to the eastward of the meridian of longitude 20 degrees West of Greenwich.

ARTICLE III.

In order to regulate the mode of carrying the provisions of the preceding Article into execution, it is agreed:—

1st. That all the ships of the Royal Navies of the two nations which shall be hereafter employed to prevent the traffic in slaves, shall be furnished by their respective Governments with a copy in the English and Portuguese languages, of the present Treaty, of the instructions for cruisers annexed thereto, *sub litterâ A*, and of the regulations for the Mixed Commissions annexed thereto, *sub litterâ B*; which annexes respectively shall be considered as an integral part of the Treaty.

2nd. That each of the High Contracting Parties shall, every six months, or oftener if required, communicate to the other the names of the several ships furnished with such instructions, the force of each, and the names of their several commanders, and of the officer second in command.

3rd. That if at any time there shall be just cause to suspect that any merchant vessel sailing under the flag of either nation, and proceeding under the convoy of any ship or ships of war of either of the Contracting Parties, is engaged, or is intended to be engaged in the traffic in slaves, or is fitted out for the purposes thereof, or has during the voyage on which she has been met with, been engaged in the traffic in slaves, it shall be the duty of any commander of any ship of the Royal Navy, of either of the two High Contracting Parties furnished with such instructions as aforesaid, to communicate by writing his suspicions to the commander of the convoy. The said commander of the convoy shall give an acknowledgment in writing of the said communication, and he shall proceed himself, or send the officer, his second in command, to the search of the suspected vessel.

The commander of the convoy shall communicate in writing to the commander of the cruiser the result of the search.

In case that the suspicions shall be well founded, according to the tenor of this Treaty, then the said vessel shall be conducted or sent by the said commander of the convoy to one of the points where the Mixed Commissions are stationed, to undergo the sentence applicable to the case.

4th. It shall not be lawful to visit or detain under any pretext or motive whatever, any merchant vessel when at anchor in any port, bay, or roadstead, belonging to either of the two High Contracting Parties, or within cannon-shot of the batteries on shore, unless on a written demand for co-operation on the part of the authorities of such country, but should any suspected vessel be met with in such port, bay, or roadstead, due representation of the same is to be made to the authorities of the country, requesting them to take the necessary measures to prevent the abuse of any stipulations of this Treaty, and the said authorities shall proceed accordingly.

ARTICLE IV.

As the two preceding Articles are entirely reciprocal, the two High Contracting Parties engage mutually to make good any losses which their respective subjects may incur by the arbitrary and illegal detention of their vessels; it being understood, that this indemnity shall be borne by the Government whose cruiser shall have been guilty of such arbitrary and illegal detention.

The indemnifications of which this Article treats, shall be made within the

term of one year reckoned from the day on which the Mixed Commission pronounces sentence on the vessel for the detention of which such indemnification is claimed.

ARTICLE V.

In order to bring to adjudication, with as little delay and inconvenience as possible, the vessels which may be detained according to the tenor of the Article of this Treaty, there shall be established, as soon as may be practicable, two Mixed Commissions formed of an equal number of individuals of the two nations, and named for this purpose by their respective Sovereigns.

These Commissions shall reside, the one in a possession belonging to Her Britannic Majesty, the other within the territories of Her Most Faithful Majesty; and the two Governments, at the period of the ratification of the present Treaty, shall declare each for its own dominions, in what places the Commissions shall respectively reside; each of the two High Contracting Parties reserves to itself the right of changing, at its pleasure, the place of residence of the Commissions held within its own dominions; provided always that the two Commissions shall always be held either on the coast or in one of the islands of Africa.

These Commissions shall judge the causes submitted to them, according to the provisions of the present Treaty, without appeal, and according to the regulations and instructions which are annexed to the present Treaty, and which are considered as forming an integral part thereof.

ARTICLE VI.

It is hereby agreed between the High Contracting Parties, that the Mixed Commission at present established and sitting under the Convention between Great Britain and Portugal of the 28th of July, 1817, shall continue to exercise its functions commencing six months after the exchange of the ratifications of this Treaty, until the appointment and definitive establishment of the Mixed Commission under the present Treaty, adjudge without appeal, according to the principles and stipulations of the present Treaty, and of the Annexes thereof, the cases of such vessels as may be sent or brought before it, and any vacancies which may occur in such Mixed Commission shall be filled up in the same manner, in which vacancies in the Mixed Commissions to be established under the provisions of this Treaty, are to be supplied.

ARTICLE VII.

It is hereby further mutually agreed, that every merchant-vessel, British or Portuguese, which shall be visited by virtue of the present Treaty may lawfully be detained, and be sent or brought before the Mixed Commission, established in pursuance of the provisions thereof, if, in her equipment, there shall be found any of the things hereinafter mentioned, namely:—

1st. Hatches with open gratings instead of the close hatches, which are usual in merchant-vessels.

2ndly. Divisions, or bulk heads, in the hold or on deck, in a greater number than are necessary for vessels engaged in lawful trade.

3rdly. Spare plank fitted for being laid down as a second or Slave deck.

4thly. Shackles, bolts, or handcuffs.

5thly. A larger quantity of water, in casks or in tanks, than is requisite for the consumption of the crew of the vessel as a merchant-vessel.

6thly. An extraordinary number of water casks, or of other vessels for holding liquid, unless the master shall produce a certificate from the Custom-house of the place from which he cleared outwards, stating that a sufficient security had been given by the owners of such vessels, that such extra quantity of casks or of other vessels should only be used for the reception of palm oil, or for other purposes of lawful commerce.

7thly. A greater quantity of mess tubs, or kids, than are requisite for the use of the crew of the vessel as a merchant-vessel.

8thly. A boiler of an unusual size, and larger than requisite for the use of the crew of the vessel as a merchant-vessel; or more than one boiler of the ordinary size.

9thly. An extraordinary quantity either of rice, or the flour of Brazil, manioc, or cassada, commonly called farinha, of maize, or of Indian corn; or if any other article of food whatever, beyond what might probably be requisite for the use of

the crew, such rice, flour, maize, Indian corn, or other article of food, not being entered on the manifest as part of the cargo for trade.

10thly. A quantity of mats, or matting, larger than is necessary for the use of the crew of the vessel as a merchant-vessel.

Any one or more of these several circumstances, if proved, shall be considered as *prima facie* evidence of the actual employment of the vessel in the Slave Trade; and the vessel shall thereupon be condemned and be declared lawful prize, unless satisfactory evidence upon the part of the master or owners, shall establish that such vessel was, at the time of her detention or capture, employed in some legal pursuit.

ARTICLE VIII.

If any of the things specified in the preceding Article shall be found in any merchant-vessel, no compensation for losses, damages, nor expenses, consequent upon the detention of such vessel, shall, in any case, be granted, either to her master or to her owner, or to any other person interested in her equipment or lading, even though the Mixed Commission should not pronounce any sentence of condemnation in consequence of her detention; but the same Mixed Commission shall be authorized to pay out of the Prize Fund, if they shall think it in equity required, some sum of money proportionate to the demurrage suffered, and according to the circumstances of the case.

ARTICLE IX.

It is hereby agreed, between the two High Contracting Parties, that in all cases in which a vessel shall be detained under this Treaty, by their respective cruisers, as having been engaged in the Slave Trade, or as having been fitted out for the purposes thereof, and shall consequently be adjudged and condemned by the Mixed Commission to be established as aforesaid, the said vessel shall, immediately after the condemnation, be broken up entirely, and shall be sold in separate parts, after having been so broken up.

ARTICLE X.

On any vessel having been declared good Prize by either of the Mixed Commissions, the captain, pilot, crew, and passengers found on board of the said vessel shall be immediately placed at the disposal of the High Contracting Party, under whose flag the said vessel was navigating at the time of her capture, to be tried and punished according to the laws of the country: in the like manner, the owner of the vessel, those persons interested in the expedition and cargo, and their several agents shall be tried and punished, unless they can prove that they took no part in the infraction of the present Treaty, owing to which the vessel was condemned.

ARTICLE XI.

Those Slaves, the objects of the prohibited traffic, being by the laws of both countries declared free, the two High Contracting Powers mutually engage to devote all their care and attention to their being treated in their respective dominions in strict conformity to these Laws and Regulations which have therein already been enacted, or which shall in future be promulgated for this purpose, the humane object of which Laws has been, and always shall be, that of rendering more perfect, and securing faithfully to the liberated Negroes:—

1st. The enjoyment of their liberty, and good treatment.

2ndly. Education in the principles of the Christian religion, and their advancement in morality and civilization.

3rdly. Sufficient instruction in the mechanical arts to enable them to provide for their own subsistence as artizans, mechanics, and servants.

For this purpose the Regulations annexed to this Treaty, *sub litterâ C*, as to the treatment of Negroes liberated by sentence of the Mixed Commission, have been drawn up, and are declared to form an integral part of the Treaty.

ARTICLE XII.

The Acts or instruments annexed to this Treaty, and which it is mutually agreed shall form an integral part thereof, are as follow:

A. Instructions for the ships of the Royal Navies of both nations, destined to prevent the traffic in Slaves.

B. Regulations for the Mixed Commission.

C. Regulations as to the Treatment of the liberated Negroes.

ARTICLE XIII.

It is hereby agreed, that either of the two High Contracting Parties shall have the right at the end of ten years to require a revision of any stipulations of this Treaty, and its Annexes, not affecting its principle as laid down in Article 1st, and of then proposing, discussing, and making such amendments or additions as the real interests of their respective subjects may seem to require; it being understood, that any stipulation which shall at that time be objected to by either of the two High Contracting Parties, shall be considered as suspended in its operation until the discussion concerning that stipulation shall be terminated by common consent.

ARTICLE XIV.

The present Treaty, consisting of fourteen Articles, from the date of its ratification, shall supersede all former stipulations in earlier Conventions concluded between the two High Contracting Parties, the object of which has been to regulate and suppress the traffic in Slaves. It shall come into operation on the East Coast of Africa in six months, and on the West Coast of Africa in four months from the above date.

It is however, distinctly understood that nothing contained in this Treaty shall be considered as invalidating the engagements contracted in the ancient Treaties of alliance, friendship, and guarantee, which have so long and so happily subsisted between the Crown of Portugal and Great Britain, as renewed and acknowledged to be of full force and effect by IIIrd Article of the Treaty of the 22nd of January, 1815. The Treaty shall be ratified, and the ratifications thereof exchanged, within the space of six months, or sooner, if possible.

In witness whereof the respective Plenipotentiaries have signed in duplicate originals, English and Portuguese, the present Treaty, and have thereunto affixed the seal of their arms.

Done at

this
in the year of our Lord, 183 .

day of

ANNEX A

To the Treaty between Great Britain and Portugal for the Abolition of the Slave Trade of the

Instructions for the Ships of the British and Portuguese Royal Navies employed to prevent the Traffic in Slaves.

ARTICLE I.

The Commander of any ship belonging to the Royal British or Portuguese Navy, which shall be furnished with these instructions, shall have a right to visit, search, and detain, within the limits stipulated in the Second Article of the Treaty, any British or Portuguese Merchant Vessel which shall be actually engaged, or shall be suspected to be engaged, in the Slave Trade; or to be fitted out for the purposes thereof; or to have been engaged in the traffic in slaves during the voyage on which she may be met with by such ship of the British or Portuguese navy: and such Commander shall, thereupon, bring or send such Merchant vessel, as soon as possible, for judgment before that one of the two Mixed Commissions established in virtue of the Sixth Article of the said Treaty, which shall be nearest to the place of detention; or which such Commander shall, upon his own responsibility, think can be soonest reached from such place.

ARTICLE II.

Whenever a ship of either of the royal navies, duly authorised as aforesaid, shall meet a Merchant vessel liable to be visited under the provisions of the said Treaty, the search shall be conducted in the mildest manner, and with every attention which ought to be observed between allied and friendly nations; and the search in all cases be made by an officer holding the rank not lower than that of a Lieutenant in the navies of Great Britain and Portugal respectively; or by the officer who at the time shall be second in command of the ship by which such search is made, unless the command, by reason of death or otherwise, be held by an officer inferior in rank.

ARTICLE

The Commander of any ship of the two royal navies, duly authorised as aforesaid, who may detain any Merchant vessel in pursuance of the tenor of the present instructions, shall, at the time of detention, draw up in writing an authentic declaration which shall exhibit the state in which he found the detained vessel, which declaration shall be signed by himself, and shall be given in or sent, together with the captured vessel, to the Mixed Commission, before which such vessel shall be carried or sent for adjudication.

He shall deliver to the Master of the detained vessel a signed certificate of the papers seized on board the same, as well of the number of slaves found on board at the moment of detention. In the authenticated declaration, which the Captain is hereby required to make, as well as in the certificate of the papers seized, he shall insert his own name, the name of the capturing ship, the latitude and longitude of the place where the detention shall have taken place, and the number of slaves found on board the vessel at the time of the detention.

The officer in charge of the vessel detained shall, at the time of bringing the vessel's papers into the Mixed Commission, deliver into the Court a paper signed by himself, and verified on oath, stating the changes which have taken place in respect to the vessel, her crew, the slaves, if any, and her cargo, between the period of her detention and the time of delivering in such papers.

ARTICLE IV.

No person, or any part of the cargo, or of the slaves found on board the vessel seized, shall be withdrawn from it until the said vessel shall have been delivered over to one of the Mixed Commissions, unless the transfer of the whole, or part of the crew, or of the slaves found on board, should be considered necessary, either to preserve their lives or for any other humane consideration, or for the safety of those charged with the conduct of the vessel after its seizure; in which case the Commander of the cruiser, or the officer charged with the said seized vessel, shall draw out a certificate, in which he will declare the reasons of the said transfer; and the Commanders, sailors, passengers, or slaves thus transferred, shall be conducted to the same port as the vessel and its cargo; and the surrender of them, as well as the receipt of them, shall take place in the same manner as that of the vessel.

No Commander of any cruiser shall be authorised to land any individuals found on board the captured vessel, of whatever colour they may be, whether slaves or free men, or any part of the territories of the crown of which the said Commander is not a subject, without having previously obtained a written permission to that effect from the principal local authority of the country at the proposed place of disembarkation.

The undersigned Plenipotentiaries have agreed, in conformity with the 13th Article of the Treaty, signed by them on this day, the
of , One Thousand Eight Hundred and Thirty Eight, that the preceding instructions, consisting of four Articles, shall be annexed to the said Treaty, and be considered an integral part thereof.

ANNEX B.

Regulations for the Mixed Commissions which are to adjudge the cases of Vessels under the Treaty between Great Britain and Portugal of the

ARTICLE I.

The Mixed Commissions to be established under the provisions of the Treaty of which these regulations are declared to be an integral part, shall be composed in the following manner:—

Each of the High Contracting Parties shall name a Commissioner and an Arbitrator, who shall be authorized to hear and to decide without appeal, all cases of the capture or detention of vessels which, in pursuance of the stipulations of the aforesaid Treaty, shall be brought before them.

The Commissioners and the Arbitrators shall, before entering upon the duties of their office respectively, make oath before the principal magistrate of the places in which such Commissioners respectively shall reside, that they will judge fairly and faithfully; that they will have no preference either for the claimants or the

captors; and that they will act, in all their decisions, in pursuance of the stipulations of the aforesaid Treaty.

There shall be attached to each of such Commissions, a Secretary or Registrar, who shall be appointed by the Sovereign on whose territories such Commission shall reside. Such Secretary or Registrar shall register all the acts of such Commission, and shall, previously to entering upon his office, make oath before the Commission to which he is appointed, that he will conduct himself with due respect for its authority, and will act with fidelity and impartiality in all matters relating to his said office.

The salary of the Secretary or Registrar to the Commission to be established in the dominions of Her Britannic Majesty, shall be paid by Her said Majesty, and that of the Secretary or Registrar of the Commission to be established in the Colonial possessions of Portugal, shall be paid by Her most Faithful Majesty.

Each of the Governments shall defray half of the aggregate amount of the incidental expenses of such Commissions.

ARTICLE II.

The expenses incurred by the officer charged with the reception, maintenance, and care of the detained slaves, vessel, and cargo, and with the execution of the sentence, and all disbursements occasioned by bringing a vessel to adjudication, shall, in case of condemnation be defrayed from the funds arising from the materials of the vessel after the same shall have been broken up; of the vessel's stores, and of such part of the cargo as shall consist of merchandize, and in case the proceeds arising from this sale should not prove sufficient to repay such expenses, the deficiency shall be made good by the Government of the country within whose territories the adjudication shall have taken place.

If the detained ship be released, the expenses occasioned by bringing her to adjudication shall be defrayed by the captor, excepting in the cases specified, and otherwise provided for under article of the Treaty to which these Regulations form an Annex, and under Article VII of the Regulations.

ARTICLE III.

The Mixed Commissions are to decide upon the legality of the detention of such vessels as the cruisers of either nation shall, in pursuance of the said Treaty, detain. These Commissions shall judge definitively, and without appeal, all questions which shall arise out of the capture and detention of such vessels.

The proceedings of these Commissions shall take place with as little delay as possible; and for this purpose the Commissioners are required to decide in each case, as far as may be practicable, within the space of twenty days, to be dated from the day on which the detained vessel shall have been brought into the port where the deciding Commission shall reside.

The final sentence shall not, in any case, be delayed beyond the period of two months, whether on account of the absence of witnesses, or from any other cause, except upon the application of any of the parties interested; in which case, upon such party or parties giving satisfactory security, that they will take upon themselves the expense and risk of the delay, the Commissioners may, at their discretion, grant an additional delay, not exceeding four months: either party shall be allowed to employ such counsel as he may think fit to assist him in the conduct of his cause.

All the essential parts of the proceedings of the said Commission shall be written down in the language of the country in which they shall respectively reside.

ARTICLE IV.

The form of the Process shall be as follows:—

The Commissioners appointed by the two nations respectively, shall, in the first place, examine the papers of the detained vessel, and take the depositions of the master or commander, and two or three at least of the principal individuals on board of such vessel, as well as the declaration on oath of the captor, should such declaration appear necessary, in order to enable them to judge and to pronounce whether the said vessel has been justly detained or not, according to the stipulations of the aforesaid Treaty; and in order that the vessel may be condemned or released. In the event of the two Commissioners not agreeing as to the sentence which they ought to pronounce in any case brought before them, either with respect to the legality of the detention, the liability of the vessel to condemnation, or the indemnification to be allowed, or as to any other question which may arise

out of the said capture ; or, if any difference of opinion should arise between them as to the mode of proceeding in the said Commission, they shall draw by lot, the name of one of the two Arbitrators so appointed as aforesaid, which Arbitrator, after having considered the proceedings which have taken place, shall consult with the two above-mentioned Commissioners, and the final sentence or decision shall be pronounced conformably to the opinion of the majority of the three.

ARTICLE V.

If the detained vessel shall be restored by the sentence of the Commission, the vessel and the cargo, in the state in which they shall then be found, shall forthwith be given up to the Master, or to the person who represents him, and such Master, or other person may, before the same Commission, claim a valuation of the damages which he may have a right to demand. The captor himself, and in his default his Government, shall remain responsible for the damages to which the Master of such vessel, or the owners of the vessel, or of her cargo may be pronounced entitled.

The two High Contracting Parties bind themselves to pay, within the term of a year from the date of the sentence, the costs and damages which may be awarded by the abovementioned Commission, it being mutually understood and agreed that such costs and damages shall be made good by the Government of the country of which the captor shall be a subject.

ARTICLE VI.

The Mixed Commissions shall transmit annually to each Government a Report relating to—

- 1st. The cases which have been brought before them for adjudication.
- 2nd. The state of the liberated negroes.
- 3rd. Every information which they may be able to obtain relative to the treatment and progress made in the religious and mechanical education of the liberated negroes, and such report shall, under the authority of the Government, be annually published in each country.

ARTICLE VII.

The principal object of the Treaty, of which the present Annex forms an integral part, is no other than that of improving the condition of these unhappy victims of avarice. The High Contracting Parties, animated with the same sentiments of humanity, agree that if in future it should appear necessary to adopt new measures for obtaining the same end, in consequence of those laid down in this Annex turning out inefficacious, the said High Contracting Parties will consult together and agree upon other means better adapted for the complete attainment of the object proposed.

ARTICLE VIII.

The undersigned Plenipotentiaries have agreed, in conformity with the 12th Article of the Treaty, signed by them on this day, the

that this Annex, consisting of eight Articles, shall be annexed to the said Treaty, and be considered an integral part hereof.

The

of

ANNEX C.

ARTICLE I.

The object and spirit of these regulations is to secure to negroes, liberated in virtue of the stipulations of the Treaty, to which these regulations form an Annex, marked C, permanent good treatment, and a full and complete emancipation, in conformity with the humane intentions of the High Contracting Parties.

ARTICLE II.

Immediately after sentence of condemnation, upon a vessel charged with being concerned in illegal Slave Trade, shall have been passed by the Mixed Commissions, established under the Treaty, all negroes who were on board of such vessel, and who were brought on board for the purpose of traffic, shall be delivered over to the Government Commission.

ARTICLE III.

In the Portuguese Dominions the liberated slaves shall be given over to the Portuguese authority, who will become the legitimate Guardian and Curator of the slaves thus liberated, and will deliver them, for the purpose of instruction, to masters of mechanical trades, who, at public auction, will receive them upon the most advantageous terms for liberated slaves, the regulations for their treatment and instruction being always in conformity with the disposition of the Article of the Treaty of which this Annex forms an integral part.

In the British possessions, the liberated slaves shall be treated in exact conformity with the laws in force for the regulations of free apprenticed negroes.

ARTICLE IV.

For the purpose which is explained in the two preceding Articles, there shall be kept, in the office of the Highest Civil Authority of the two High Contracting Parties of the part of the Dominions where the Mixed Commissions reside, a Register of all the emancipated negroes, in which shall be entered, with scrupulous exactness, the names given to the negroes, the names of the vessels in which they were captured, the names of the persons to whose care they have been committed, and any other circumstances likely to contribute to the end in view.

ARTICLE V.

The Register to which the preceding Article refers will serve to form a general return, which the Highest Civil Authority of that part of the Dominions of either of the two High Contracting Parties, where the Mixed Commissions reside, shall be bound to deliver every six months to the aforesaid Mixed Commission, in order to show the existence of the negroes emancipated under this Treaty, the decease of such as have died, the improvement in their condition, and the progress made in their instruction, both religious and moral, as also in the arts of life.

The returns shall likewise be transmitted annually by the Mixed Commissions to each Government.

ARTICLE VI.

If the detained vessel shall be condemned, she shall be declared lawful prize, together with her cargo, of whatsoever description it may be, with the exception of the slaves who shall have been brought on board for the purpose of commerce; and the said vessel in conformity with the regulations in Article of the Treaty of this date, shall, as well as her cargo, be sold by public sale for the profit of the two Governments, subject to the payment of the expenses hereinbefore mentioned.

The slaves shall receive from the Commission a certificate of emancipation, and shall be delivered over to the Government on whose territory the Court which shall have judged them shall be established, to be dealt with according to the regulations and conditions contained in the Annex to this Treaty, sub *littéra C*.

The charges incurred for the support, and for the return voyage of the commander and crew of condemned vessels, shall be defrayed by the Government of which such commanders and crew are the subject.

ARTICLE VII.

The Mixed Commissions shall also take cognizance of, and shall decide definitely and without appeal, all claims for compensation, on account of losses occasioned to vessels and cargoes, which shall have been detained under the provisions of this Treaty, but which shall not have been condemned as legal prize by the said Commissions; and in all cases wherein restitution of such vessels and cargoes shall be decreed, save as mentioned in Article of the Treaty to which these regulations form an Annex, and in a subsequent part of these Regulations, the Commission shall award to the claimant or claimants, or to his or their lawful attorney, or attorneys, for his or their use, a just and complete indemnification for all costs of suit, and for all losses and damages which the owner or owners may have actually sustained by such capture and detention, that is to say:

- 1st. In case of total loss, the claimant or claimants shall be indemnified,
 - A. For the ship, her tackle; equipment, and stores—
 - B. For all freights due and payable;

CLASS B.

2 D

C. For the value of the cargo of merchandize, if any, deducting all charges and expenses payable upon the sale of such cargo, including commission of sale;

D. For all other regular charges in such cases of total loss.

2nd. In all other cases, save as hereinafter mentioned, not of total loss, the claimant or claimants shall be indemnified—

A. For all special damages and expenses occasioned to the ship by the detention, and for loss of freight, when due or payable;

B. For demurrage, when due, according to the schedule annexed to the present Article;

C. For any deterioration of the cargo;

D. For all premium of Insurance on additional risks.

The claimant or claimants shall be entitled to interest, at the rate of five per cent. per annum, on the sum awarded, until such sum is paid by the Government to which the capturing ship belongs. The whole amount of such indemnification shall be calculated in the money of the country to which the detained vessel belongs, and shall be liquidated at the exchange current at the time of the award.

The two High Contracting Parties, however, have agreed, that if it shall be proved to the satisfaction of the Commissioners of the two nations, and without having recourse to the decision of an Arbitrator, that the captor has been led into error by a voluntary and reprehensible fault of the master or commander of the detained vessel, the detained vessel in that case shall not have the right of receiving, for the time of her detention, the demurrage stipulated by the present Article, nor any other compensation for losses, damages, or expenses, consequent upon such detention.

Schedule of Demurrage or daily allowance for a vessel of 100 tons to 120 inclusive, per diem

				£ 5
121	to	150	.	6
151		170	.	8
171		200	.	10
201		220	.	11
221		250	.	12
251		270	.	14
271		300	.	15

and so on in proportion.

ARTICLE VIII.

Neither the Commissioners nor the Arbitrators, nor the Secretaries of the two nations shall demand or receive from any of the parties concerned in the cases which shall be brought before the Commissions, any emolument or gift under any pretext whatsoever, for the performance of the duties which such Commissioners, Arbitrators, or Secretaries have to perform.

ARTICLE IX.

When the parties interested shall imagine they have cause to complain of any evident injustice on the part of the Mixed Commissions, they may represent it to their respective Governments, who reserve to themselves the right of mutual correspondence for the prevention of such injustice for the future.

ARTICLE X.

The two High Contracting Parties have agreed, that in the event of the death, sickness, absence, or leave, or any other legal impediment, of one or more of the Commissioners or Arbitrators composing the above-mentioned Commissions respectively, the post of such Commissioner and such Arbitrator shall be supplied *ad interim* in the following manner:

1st. On the part of her Britannic Majesty, and in that Commission which shall sit within the possessions of Her said Majesty, if the vacancy be that of the British Commissioner, his place shall be filled by the British Arbitrator; and either in that case, or if the vacancy be originally that of the British Arbitrator, the place of such Arbitrator shall be filled successively by the Governor or Lieutenant-Governor resident in such possession, by the Municipal Magistrate of the same, and by the Secretary of the Government; and the said Commission, so constituted as above, shall sit, and, in all cases brought before them for adjudication, shall proceed to adjudge the same and to pass sentence accordingly.

2nd. On the part of Great Britain, and in that Commission which shall sit within the possessions of Her Most Faithful Majesty, if the vacancy be that of the British Commissioner, his place shall be filled by the British Arbitrator; and either in that case, or if the vacancy be originally that of the British Arbitrator, his place shall be filled successively by the British Consul and British Vice-Consul, if there be a British Consul or British Vice-Consul appointed to and resident in such possession; and if the vacancy be both of the British Commissioner and of the British Arbitrator, then the vacancy of the British Commissioner shall be filled by the British Consul, and that of the British Arbitrator by the British Vice-Consul, if there be a British Consul and British Vice-Consul appointed to and resident in such possession; and if there shall be no British Consul or Vice-Consul to fill the place of British Arbitrator, then the Portuguese Arbitrator shall be called in, in those cases in which a British Arbitrator, if there were any, would be called in; and if the vacancy be both of the British Commissioner and British Arbitrator, and there be neither British Consul nor British Vice-Consul to fill *ad interim* the vacancies, then the Portuguese Commissioner and Portuguese Arbitrator shall sit, and in all cases brought before them for adjudication shall proceed to adjudge the same and pass sentence accordingly.

3rd. On the part of Portugal and in that Commission which shall sit within the possessions of Her Most Faithful Majesty, if the vacancy be that of the Portuguese Commissioner, his place shall be filled by the Portuguese Arbitrator; and either in that case, or if the vacancy be originally that of the Portuguese Arbitrator, the place of such Arbitrator shall be filled successively by the Highest Civil Authority resident in such possession, by the principal Magistrate of the same, and by the Secretary of the Government; and the said Commission, so constituted as above, shall sit, and in all cases brought before them for adjudication shall proceed to adjudge the same and pass sentence accordingly.

4th. On the part of Portugal, and in that Commission which shall sit within the possessions of Her Britannic Majesty, if the vacancy be that of the Portuguese Commissioner, his place shall be filled by the Portuguese Arbitrator; and either in that case, or in the case when the vacancy be originally that of the Portuguese Arbitrator, his place shall be filled successively by the Portuguese Consul and Portuguese Vice-Consul, if there be a Portuguese Consul and Portuguese Vice-Consul appointed to and resident in such possession; and in the case where the vacancy be both of the Portuguese Commissioner and of the Portuguese Arbitrator, then the vacancy of the Commissioner shall be filled by the Portuguese Consul, and that of the Portuguese Arbitrator by the Portuguese Vice-Consul, if there be a Portuguese Consul and Portuguese Vice-Consul appointed to and resident in such possession; and in the case in which there be no Portuguese Consul or Portuguese Vice-Consul to fill the place of Portuguese Arbitrator, then the British Arbitrator shall be called in, in those cases in which a Portuguese Arbitrator, were there any, would be called in; and in case the vacancy be both of the Portuguese Commissioner and Portuguese Arbitrator, and there be neither Portuguese Consul nor Portuguese Vice-Consul to fill *ad interim* the vacancies, then the British Commissioner and Arbitrator shall sit, and in all cases brought before them for adjudication, shall proceed to adjudge the same, and pass sentence accordingly.

The Highest Civil Authority of the settlement wherein either of the Mixed Commissions shall sit, in the event of a vacancy arising, either of the Commissioner or the Arbitrator of the other High Contracting Party, shall forthwith give notice of the same to the Highest Civil Authority of the nearest settlement of such other High Contracting Party, in order that such vacancy may be supplied at the earliest possible period; and each of the High Contracting Parties agrees to supply definitively, as soon as possible, the vacancies which may arise in the above-mentioned Commissions, from death, or from any other cause whatsoever. The Undersigned Plenipotentiaries have agreed, in conformity with the article of the Treaty signed by them on this, day, the _____ of _____, one thousand eight hundred and thirty-eight, that the preceding Regulations, consisting of ten Articles, shall be annexed to the said Treaty, and considered as an integral part thereof.

Second Enclosure in No. 112.

Additional Article.

(Translation)

It being possible that on the publication of the Treaty concluded this day between Her Most Faithful Majesty and Her Britannic Majesty, for the total abolition of the Slave Trade, disorders may arise in some of the dominions of Her Most Faithful Majesty, in Africa, incited under whatever pretext, either by subjects of Her Most Faithful Majesty, or by foreigners, and that such disorders may endanger the tranquillity and security of those dominions; and Her Britannic Majesty desiring to afford a further proof of her solicitude in fulfilling the Treaties of alliance and guarantee happily subsisting between the two Crowns, Her Majesty engages in her name, and in those of Her Heirs and Successors, to give to Her Most Faithful Majesty such efficacious assistance as she may need for maintaining quiet and security in her African dominions, whenever such assistance, shall be applied for by the Government of Her Most Faithful Majesty.

The nature, quality, and quantity of such assistance, the manner in which the authorities of Her Most Faithful Majesty may require it from the authorities of Her Britannic Majesty, in her African possessions, and the manner in which the latter shall afford it, shall be the subject of a special negotiation between the two Governments, which shall be commenced immediately, and shall have been brought to a conclusion at the time of exchanging the ratifications of the Treaty of which the present article forms an integral part.

The present additional article shall have the same force and vigour as if it had been inserted word for word in the said Treaty.

Counter Project proposed by Lord Howard.

It being possible that on the publication of the Treaty concluded this day between Her Most Faithful Majesty and Her Britannic Majesty, for the total abolition of the Slave Trade, disorders may arise in some of the dominions of Her Most Faithful Majesty, in Africa, incited under whatever pretext, either by subjects of Her Most Faithful Majesty, or by foreigners, for the insidious purpose of exciting contumacious or rebellious resistance to the abolition of the said traffic, and that such disorders may endanger the tranquillity and security of those dominions; in order to provide against such a contingency, Her Britannic Majesty engages to afford to Her Most Faithful Majesty an effective assistance, for the purpose of co-operating for the maintenance of tranquillity and security in her African dominions.

The nature, quality, quantity, and term of such assistance, the manner in which it shall be rendered, shall be the subject of a special negotiation between the two Governments, which shall be commenced immediately, and shall be terminated, if possible, previous to this Treaty being promulgated and coming into operation.

No. 113.

Mr. Jerningham to Viscount Palmerston.—(Received June 5.)

MY LORD,

Lisbon, May 29, 1838.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of the 5th instant, marked Slave Trade, addressed to Lord Howard de Walden.

I transmit to your Lordship herewith the copy and translation of a note which I have received from Viscount de Sa da Bandeira, by which his Excellency invites me to apply to Her Majesty's Government for full powers to sign the Treaty negotiated by Lord Howard de Walden, for the abolition of the Slave Trade.

With respect to the additional Article relative to the suppression of rebellion in the Portuguese colonies, the Viscount's expressions in this note appear conciliatory.

Since Lord Howard's departure I have endeavoured to impress upon Viscount de Sá da Bandeira the necessity of making further concession than what appears by Lord Howard's last communication on the subject to your Lordship.

I have also received from the Viscount de Sá da Bandeira a long note, under flying seal, to Lord Howard de Walden, in answer to his communication to the Viscount of your Lordship's Despatch, marked Slave Trade, of the 12th inst. which transmitted a copy of the late resolution of the House of Commons respecting the traffic in slaves.

This document ends with the promised declaration relative to making Slave Trade piracy, by which an engagement is taken, that the Government will declare it as such, when Great Britain shall have concluded conventions with the great powers of Europe, possessing colonies, for the purpose of investing Slave Trade with a piratical character.

I forward this communication to your Lordship, under flying seal, to Lord Howard de Walden; it has come too late to be translated, or even copied.

I have, &c.

(Signed) G. S. S. JERNINGHAM.

The Right Hon. Viscount Palmerston, G.C.B.,

&c.

&c.

&c.

P.S. Viscount de Sá da Bandeira has dwelt strongly with me upon the necessity that the Treaty should be presented to the Cortes, accompanied by an additional Article for the suppression of rebellion in the Portuguese colonies, and the Viscount lately assured the French Minister, that the declaration he was about to give relative to making Slave Trade piracy, was positively as far as he would go on that point.

G. S. S. J.

First Enclosure in No. 113.

(Translation.) *Viscount de Sá da Bandeira to Mr. Jerningham.*

THE necessity under which Lord Howard de Walden found himself of starting for London, by the last steam-boat which left this place, prevented the signature of the Treaty concluded for the total abolition of the traffic in slaves. There existed only under discussion one point, which was to form an additional Article to the Treaty, and this was with regard to the assistance which the British Government is to lend to the Government of Her Most Faithful Majesty, in case it is wanted in any of her African dominions which might refuse Her obedience.

It was painful to me that Lord Howard de Walden should have had to leave Lisbon before signing a document so important, at which we both had laboured for a long time, and with equal zeal and perfect harmony, but wishing that this Treaty, so interesting to the cause of humanity, and the civilisation of the African population, should be concluded without delay, and convinced that you are animated with the same desire, I have the honour to invite you to request the Government of Her Britannic Majesty to grant to you the powers necessary to sign the Treaty concluded by Lord Howard de Walden, and discuss, and likewise sign the additional Article which is to form an integral part of the Treaty; in which Article it is to be stipulated that the British Government, according to the ancient Treaties of alliance and guarantee, existing between the two crowns, will lend Portugal prompt and effectual aid, although limited in quantity and quality to maintain in obedience her dominions in Africa.

Lord Howard de Walden, who agreed in the justice with which the Portuguese Government demands the said aid from Great Britain, on the signing of the above-mentioned Treaty, is aware of the views I have in this respect, of the moderation of the request on the part of Portugal with regard to the force and nature of the assistance, and the facility and promptitude with which the Government of Great Britain can administer it.

(Signed)

SA DA' BANDEIRA.

The Hon. G. S. S. Jerningham,

&c.

&c.

(Translation.) *Viscount de Sà da Bandeira to Lord Howard de Walden.*

Secretary of State's Office for Foreign Affairs, May 22, 1838.

THE undersigned, President of the Council of Ministers, Minister and Secretary of State for Foreign Affairs, has had the honour to receive from Lord Howard de Walden, Envoy Extraordinary and Minister Plenipotentiary of Her Britannic Majesty, the Copy of the Despatch addressed by Lord Palmerston, Her Britannic Majesty's principal Secretary of State for Foreign Affairs, to his Lordship, on the 12th of the current month of May, for the purpose of being officially communicated to the undersigned; he has also received his Lordship's note of the 20th of the same month, relative to the subject of the said Despatch.

In the latter Lord Palmerston states, that he had been directed by Her Britannic Majesty to recommend to the serious and immediate attention of Her Majesty's Government, the Resolution unanimously taken on the 10th of that month, by the British House of Commons, of addressing to Her Britannic Majesty a message, in which, after making a representation against the continuance of the horrid Slave Trade, so justly stigmatized by the Congress of Vienna, and against the inefficacy of the means hitherto employed for putting a stop to it, they give it as their opinion:

1. That the concurrence of the great Powers of Christendom in declaring that traffic piracy, and punishable as such whosoever commits that crime, would be one of the probable means of bringing about the abolition of that traffic. 2. That another proper means for obtaining this important end, would be to stipulate, in all the Treaties which Great Britain hereafter might conclude with its Allies, the concession of the mutual right of searching their respective merchant vessels; the House accordingly praying that these opinions may be represented in the manner which Her Britannic Majesty might deem most efficacious to her allies; and declaring, lastly, its regret at finding that Portugal had not yet fulfilled the engagement, which it had contracted with Great Britain, to conclude with the latter an adequate Treaty for the suppression of the said traffic.

To this communication Lord Palmerston desires to be added, that the British Government cannot possibly permit the continuance of that system of piracy and war against the human race, which, to the scandal of the civilized world, is at present pursued with impunity by the Portuguese flag. That Great Britain had paid to Portugal the enormous sum of £600,000 sterling, on condition of Portugal's co-operating with her in *totally and completely abolishing* the Slave Trade; and that Portugal having received *the price of its co-operation* had not yet complied with her part of the reciprocal conditions. That as the Slave Trade was already prohibited by law in Portugal, and as this kingdom had no longer any transatlantic possessions, whither it had been allowed, by the Treaty of 1815, to conduct slaves, the conditions under which Great Britain had bound herself to abstain from preventing the Slave Trade, carried on with the Portuguese flag to the south of the Line, had no longer any application. That, consequently, Great Britain was now at liberty to act in this particular as she thought fit; and that, therefore, her Government, with the frankness which ought to characterize the relations between friendly states, declared, that if Portugal any longer delayed concluding the Treaty proposed for this object by Great Britain, the latter would, without further hesitation, proceed to accomplish by *its own means* the end for which it had failed to obtain the co-operation of Portugal.

Lord Howard de Walden, in the above-mentioned note, in consequence of the objections made him by the undersigned to declaring the Slave Trade, on the part of Portugal, in the Treaty now proposed by Great Britain, felony or piracy, states that this declaration is a *conditio sine qua non* of the conclusion of the said Treaty, and presents two Projects of Articles with the view of either of them being inserted therein.

By the first, Her Majesty would undertake, within six months after the exchange of the ratifications of that Treaty, to take successively, and whenever it should become necessary, the most efficacious methods for preventing her subjects from employing themselves, and her flag from being made use of, in the Slave Trade; and to promulgate, within the said term of six months, a law declaring this traffic piracy, and subjecting to the immediate penalty of that crime such of her subjects as should take any part in it; and by the second Her Majesty would

engage to adopt, in future, measures for the promulgation of laws calculated to prevent that traffic, and declaring it piracy, with the punishment annexed to that crime.

The undersigned having received the royal commands of Her Majesty on the above contents of the just-mentioned despatch and note, has the honour to return to his Lordship the following answer, in order to its being transmitted by his Lordship to his Government.

Previous to entering on the demonstration how destitute of the least pretext of justice are the heavy charges made against the Portuguese Government, that a system of piracy and war against the human race is now pursuing with impunity under its flag, it is proper to call to mind, what seems to have been forgot, that in this piracy and in this war Portugal has had all other nations for accomplices, without excepting the British.

It was authorized in Great Britain during the memorable reign of Queen Elizabeth, and hereafter continued for centuries, insomuch that the Africans transported from their country to the British possessions may be estimated innumerable, from the exorbitant number of upwards of 600,000 who from 1700 to 1786 were conveyed only to Jamaica.

The merchants of Liverpool and Bristol themselves, in the representations which, in 1788, they addressed to Parliament against the philanthropic efforts of Mr. Pitt in favour of the negroes, calculated that those whom British subjects annually carried from Africa amounted to 30,000, of whom they sold 20,000 to other nations.

It required the most efficacious and most vehement discussion, systematically followed up in the British Parliament for twenty years, and constantly kept up by the energy and preponderance of the greatest statesmen that Great Britain ever produced, to bring about the effect that in 1807 both Houses passed the law, which totally abolished the Slave Trade.

The repeated abuses which, notwithstanding the prohibition of this law, were practised even by British subjects, were the reason that, in 1821, the penalty of it was increased to fourteen years' transportation, or to from three to five years' forced labour; but as this did not prove sufficient, it became necessary to repress the refractory, by declaring the Slave Trade, from 1825 forward, by the Act 5 George IV. cap. 113, felony or piracy, with the respective punishment of death; when even this was found to be insufficient, it was deemed necessary, with the view of completing the act of abolition, to decree by the third and fourth of William IV. cap. 73, the total manumission of slaves in all the British dominions, from the 1st of August 1834, forward, on distributing to their masters, in compensation for the loss of their slaves, the enormous sum of 20,000,000*l.* sterling, equivalent to 200,000,000 of cruzadoes.

While this act was an eternal and memorable monument of the respect paid by the British nation to the sacred and imprescriptible rights of humanity, as also to those of property, it manifested at the same time, most evidently, in the face of the whole world, how insuperable had been the difficulties which it encountered, even during these latter times, in repressing the Slave Trade even in its own dominions; for, despite of the strict responsibility exacted from its authorities, of the extreme rigour of its laws, and of the extensive force of its marine, its Government judged it indispensable, for the purpose of compassing radically the intended abolition, which had already been enacted for thirty years, to make such an extraordinary sacrifice of the resources of the nation.

Portugal having religiously fulfilled the Treaties by which she in this respect bound herself, and beyond which nothing more can be demanded from her—all Portuguese vessels found to be employed in the Slave Trade being captured by the British cruisers, without the Portuguese Government having preferred the least complaint in favour of them, the latter Government not having even nominated any Portuguese Commissioner to the Mixed Commission which takes cognizance of them, and which therefore for many years has been composed solely of British subjects; and the same Government having, independently of those Treaties, totally prohibited that traffic, under severe penalties, in all the Portuguese dominions—it is most manifest how destitute of all justice are the acrimonious and unmerited charges, brought forward against Portuguese subjects, of transgressing that prohibition, in the same manner as has constantly been practised by British subjects, and by those of other nations.

Portugal was the first power to bind herself, in 1810, by a Treaty to England,

successively to abolish that traffic in all her dominions, notwithstanding that they were more vast than those possessed by any other power, both in Africa and America, and that in the latter region hands were the most in request for its agriculture; notwithstanding that the minds of men were unprepared for such a transcendent measure, nor the Portuguese colonists cautioned beforehand, as had been the case in Great Britain, in whose Parliament this important object had been so long and so warmly discussed.

The prohibition, in fact, took place in 1813 as to the north of the Equator; and Portugal was also the first power which, in 1817, consented to its merchant vessels being searched, to which France agreed not before 1831, and only within certain limits; her example being followed by some other nations, though others have hitherto absolutely refused so to do, which forms one of the objects of the said Resolution of the House of Commons.

It is proper, therefore, previous to proceeding further, to demonstrate in this place, for the credit and in full justification of the Portuguese Government and nation, that there is at least not any ground for that most heavy impeachment brought against it, of having, in 1815, received £600,000 sterling *on the condition* of co-operating with Great Britain in the future entire abolition of the Slave Trade, though it had hitherto not yet complied with this condition.

The debt of that sum was occasioned by the loan guaranteed by Great Britain, in the Convention of the 21st of April 1809, to Portugal, to enable her to satisfy some engagements contracted in the country itself during the disastrous French invasion, and to purchase naval supplies and other articles indispensable for repelling it, and of which this kingdom, on account of the long and wasteful war it then sustained, was entirely destitute, as well as of the means to pay for them.

By the Treaty of the 22nd of January, 1815, Great Britain did not engage to pay the whole sum of 600,000, as it is wished to insinuate, but only the portion which had not yet been satisfied, as is expressed in that Treaty, which portion at that time, amounted to little more than 400,000*l.* sterling, inasmuch as the instalments agreed upon for the successive payment of the fund of its extinction were not yet due, which instalments, together with the respective interest, had been up to that period punctually discharged.

Nor is it exact to assert that Great Britain had parted with this sum, under the condition of an undertaking on the part of Portugal to co-operate with Great Britain for the *total abolition* of the Slave Trade.

Such a condition never existed; on the contrary, by a note which the Portuguese plenipotentiaries at the Congress at Vienna addressed to Lord Castlereagh, on the 12th of January 1815, as agreed upon with him in a conference held the preceding day, they proposed to him the cession of the remainder of that debt, in compensation, it is true, for the detriment about to accrue to Portugal by the immediate abolition, to which they were ready to accede, of the Slave Trade to the north of Cape Formoso, for which an ulterior agreement fixed the north of the Line, but especially as an equivalent for the restitution of Guyana to France, to which Portugal found itself compelled, because Great Britain had stipulated it in the Treaty of peace concluded at Paris, though it had for it neither the authority nor even the consent of the Portuguese Government.

Portugal, no less than the other allied powers, had very gloriously contributed towards the triumph of the good cause, and had been one of the first to convince them, that the troops of the new Emperor were not invincible; notwithstanding this, she found herself deprived by the said stipulation of that conquest, the only, however extremely inadequate, indemnity for all the expenses of war, and for all the enormous losses which France had inflicted on her, by reason of her having nobly sustained, with her accustomed fidelity and firmness, her ancient alliance with Great Britain.

It was in consequence of that agreement, and of the above note, that Portugal bound herself by the first secret article of the said Treaty of January 22nd, 1815, to realise the 10th article of the Treaty of Peace of Paris, by restoring Guyana to France, at the same time that Great Britain softened to Portugal the detriments and prejudices occasioned by such restitution, stipulated by the former without the consent of the latter, not only by giving up the remainder of the debt agreed upon in the body of the Treaty of 1815, but by the promise made in the said first secret article of it, of her mediation towards obtaining an amicable arrangement of the controversy subsisting between Portugal and France, respecting the frontiers of their dominions on that side, in conformity with the provisions of article Eight of the Treaty of Utrecht.

It is evident, then, that Portugal had not made to her the cession of the whole 600,000*l.* sterling, but only of 400,000*l.*, more or less, still remaining to be paid. It is likewise evident that such a cession was not the *price of the future co-operation of Portugal* with Great Britain in *total abolition* of the Slave Trade; but it is also incontestible that, when such grave censures were uttered in full Parliament, and in the face of Europe, against the most ancient and most faithful ally of Great Britain, and when a minister of the Crown supported them with all energy, and directed them to be transmitted to the Portuguese Government, the British Government had every reason to know how wide they were of the truth, seeing that the facts referred to were not only of recent date, but were actually recorded in official documents which must be deposited in its archives.

Portugal never sold her co-operation to any nation; the subsidies which she received from Great Britain during the Peninsular war, in whose battles the British soil was also defended, together with its command of the seas, but scantily sufficed for meeting a portion of the extraordinary expenditure incurred by an army above her strength, and in no way compensated for the enormous losses of the total ruin and desolation in which this kingdom was left, with its towns and villages burnt down, and a great part of her population annihilated by the enemy's sword, or by hunger and epidemics. On the contrary, the alliance of Great Britain was then more than requited by the opening of the ports of Brazil to its commerce, by the conditions which it exacted, and which were stipulated to it by the Treaty of alliance of the 19th of February 1810, and its secret articles, of being allowed there to cause to be purchased and felled all the timber necessary for its men-of-war, and there to construct, victual, and refit them, and by ceding to it the interesting settlements of Bissao and Cacheo, as well as by the incalculable advantages which, to the notable ruin of Portugal, were conceded to it also in the commercial Treaty signed on the same day.

In this place also the important observation must be made, that in 1815 it solely depended on the decision of the British Government to make Portugal entirely abolish the Slave Trade at that period, as the Portuguese plenipotentiaries, in the conference above referred to, proposed to Lord Castlereagh that total abolition within eight years, if the British Government consented to abolish immediately the commercial Treaty of 1810. But the advantages which the British Government derived from it weighed more in the mind of that minister than the philanthropic sentiments, so strongly professed by him at that congress in favour of the negroes, and he declined the proposal, declaring that he was not authorised to abrogate that commercial Treaty, a declaration to which they also referred at the conclusion of their above-mentioned note of the 12th of January 1815.

The Government of Her Majesty has acknowledged, that the purest and most solid maxims of justice and humanity unite with the political and commercial interests of Portugal, to demand the Slave Trade to be completely abolished, as it serves to enrich in a short time, at the expense of those victims of avarice, a few speculators, for the most part foreigners covered by the Portuguese name, while at the same time it depopulates the African territories belonging to Portugal, being the greatest enemy of their cultivation and civilization.

Steadfastly adhering to these principles, the Government of Her Majesty itself anticipated the desires of the British cabinet, by totally, and under severe penalties, prohibiting that traffic in all the Portuguese dominions, by the decree of the 10th of December, 1836, and declaring, by another decree of the 16th of January 1837, (with the temporary exception of steam-vessels,) those ships only to be Portuguese, which till that date had navigated under the Portuguese flag, or which thereafter should be built in Portugal and its dominions, having the two-fold object in view of not only encouraging the national construction and navigation, but particularly of cutting off by the root the scandalous abuse, which has existed of the said traffic, having been promoted by foreign ships, bearing the Portuguese flag under simulated purchases.

With a view to the execution and faithful observance of these two Decrees, there were issued and published in the "*Diario do Governo*," the most peremptory orders, addressed as well to the Portuguese authorities in Africa, as to the Portuguese consuls in foreign countries, by imposing on them a rigorous responsibility, which had already been effectually exacted from the Consul at Havana, to whom it had been forwarded for that purpose.

While the Portuguese Government was adopting these energetic measures, it never refused to conclude the Treaty proposed by the British Government for the

complete abolition of that traffic. It only required, and with full justice, that, over and above the Declaration of guarantee by Great Britain indispensable from the particular and special geographical and political situation of the Portuguese dominions in Africa, there should be stipulated in that Treaty similar conditions to those which Great Britain had agreed to with France in 1831 and 1833, and which were acceded to by Sweden, Sardinia, Naples, and Denmark, more especially that of the detained vessels being to be adjudicated by the respective tribunals of each nation, and not by the Mixed Commissions, which, if they be opposed to the constitutional principles by which France is governed, as Lord Palmerston stated in the above-mentioned session of parliament, they are so likewise to those by which Portugal is governed, as was shown to Lord Howard de Walden, in the observations communicated to him on the first project of treaty proposed by his Lordship.

The blame of delay in concluding the Treaty ought, therefore, not to be thrown on the Portuguese Government, which was ready to conclude it, requesting only for itself, because it deemed them decorous and proper, the same conditions on which Great Britain had not hesitated to stipulate with another nation, which has not, like the Portuguese, always been its faithful ally.

By the strong and decisive measures spontaneously taken by the Portuguese Government, it had already done more than could be required of it.

In the declaration made by the eight powers at the Congress of Vienna, on the 8th of February, 1815, referred to by the above Resolution of the House of Commons, it was very positively stated, that the determination of the period at which that traffic was to cease entirely was to be the subject of negotiation between the Powers.

Portugal it is true, by the Treaty of 1815, agreed to fix that period by a fresh Treaty, that is, by common consent, but it never engaged, nor could it do so without renouncing its own independence, that such Treaty should be concluded on all and any terms, which the British Government might think proper to propose to it.

In order to prove the contrary, it is attempted to deduce specious arguments, from the circumstances of the Slave Trade being already prohibited in Portugal, and of the latter no longer having any transatlantic possessions, it being asserted that the non-existence of these circumstances alone could prevent Great Britain from disturbing that traffic to the south of the line, according to the Treaty of 1815.

The separate article of the additional convention of the 28th of July, 1817, is on this point too peremptory to allow of maintaining such arguments, for both Governments thereby engaged, the moment that the abolition of the Slave Trade should take place in the Portuguese dominions, to adapt *by common accord*, the stipulations of the said additional convention *to new circumstances*, and if it should be found impracticable to agree on another arrangement, then to allow the said additional convention to remain in force for fifteen years more, to be computed from the day of that abolition.

Although the said traffic be, in consequence of this stipulation, prohibited in Portugal, and its dependencies, that prohibition cannot be appealed to by the British cruisers, nor have they any right of detaining or taking any Portuguese vessel, except in the cases specified in the instructions annexed to that additional convention, nor can they depart from the strict letter of the provisions of them, all which are in full force, insomuch that the British Government, cannot put any construction upon, or make any alteration in them, unless it be with the perfect accord and consent of the Portuguese Government, for this is the immediate and infallible result of the two Governments not having been able to agree, in accommodating that additional convention to the new circumstances.

If any thing were done without such agreement and consent of the Portuguese Government, it would be a manifest violation of the said additional convention, and an abuse of forces, for the consequences of which Great Britain would be answerable, and the indemnification for which the Portuguese Government, acting with the same frankness that the British Government employs towards it, very formally declares it would exact from the British at all times, and more particularly as a previous condition to the concession of any fresh political or commercial advantage, which the British Government might desire to obtain from Portugal.

Laying aside, therefore, the seeming reasons on which the British Government would found its supposed right to exact by force what, without just motive, it complains not to have been able to obtain by friendly means, it ought to be observed,

that the present can certainly not be the seasonable moment for such insinuations, when the parties were on the point of concluding that very Treaty insisted on by Great Britain.

Such insinuations ought to suspend the signing of the Treaty, for it is more decorous for a nation to suffer with resignation and courage the injustices and violences, which another more powerful one might inflict on it, than to accede, on being threatened, to compacts which, though they were about to be entered into spontaneously, bear in such a case the unseemly stain of appearing to have been extorted by fear.

Notwithstanding, however, that hasty communication, as the British Government has already agreed to some alterations in, and additions to, that Treaty, without which it could not suit Her Majesty, if the British Government be willing to stipulate in the additional article, on the strength of the ancient treaties of alliance and guarantee subsisting between the two crowns, to afford to Portugal prompt and efficacious assistance, with the view of maintaining her dominions in Africa in obedience, as is indispensable by reason of the opposition already manifested there to the Decree of the 10th of December 1836, which certainly will be augmented by the execution of the Treaty in question, and of which natives as well as foreigners would avail themselves, for exciting and fomenting insurrections in that part of the world, the result of which to Portugal might be the loss of those dominions, where the slave-dealers, who are at the same time the wealthiest and the most influential men of the country, as well as the most eminent of the class opposed to the abolition of that traffic, are capable, for the purpose of delaying it, to stir up and commit all kinds of excesses, Her Majesty's Government will feel great satisfaction in having the Treaty signed forthwith.

It is, however, necessary to repeat, what the undersigned has already had the honour personally to observe to Lord Howard de Walden, with regard to the impossibility of declaring in the Treaty, on the part of Portugal, that traffic to be a crime, or felony of piracy, inasmuch as that is, according to the Portuguese laws, tantamount to the crime of high treason, and is, consequently, visited with the punishment of death.

There exists in Portugal an almost irresistible repugnance to the infliction of this punishment, which, as his Lordship will have had occasion to notice during his residence in this country, is very rarely resorted to, because the juries evince the greatest reluctance to declare an accused person guilty, when that declaration is to be followed by such a punishment.

What happens with respect to every other crime would, with greater probability, take place in regard to the Slave Trade, seeing that in spite of the decided immorality of that traffic, there is not yet in this kingdom, as there is in Great Britain, so generally formed an opinion, whose sanction ought always to be sought by the laws of every country, lest they should be derided or violated under legal forms, it is incontestable, that to declare it felony of piracy would not only not produce the least help towards its suppression, inasmuch as so far from attaining the object in view, of restraining the repetition of the offence by the terror of the greatness of the punishment denounced against it, its impunity would in the greater number of cases be thereby promoted, but it would also cast such an odious stigma on the Treaty, as would be sufficient to make it encounter, in and out of, the Cortes, the most decided and the most vigorous opposition, the more particularly since it is notorious, that no other power of Europe, except that of Great Britain, has declared that traffic to be felony of piracy.

To declare it then piracy, that is, on a level with the crime of high treason, and at the same time annex to it not only the corresponding, but the immediate punishment of death, as Lord Howard de Walden proposes in the second project of the article enclosed in his note alluded to, would be to render such a declaration totally inefficient.

Hence the provisions of the Decree of the 10th of December 1836 are, without doubt, preferable and more adequate, as well to the nature of the offence, as to the circumstances alluded to, which provisions, according to the different classes of transgressors, involve, as appears by the enclosed copy,* the penalties of imprisonment, the galleys, losses of employments, with inability of filling others, banishment, and above all large mulcts, which attack the offence directly in its origin, by threat-

* Report and Decree of 10th of December 1836.

ening the fortune of all those who are so over-anxious to augment it in practising or promoting this sordid traffic by every method.

Nevertheless, Her Majesty being animated with the most lively desire to concur with Her Britannic Majesty by every means in her power in opposing the continuance of the said prohibited traffic, the undersigned has it also in command from Her Majesty to assure his Lordship, that in case Great Britain should conclude conventions with the great powers of Europe possessing colonies, for the purpose of declaring that traffic piracy, the Government of Her Majesty, not being able to take the initiative in this respect, will then have no hesitation of agreeing to such a declaration after it shall have been sanctioned by the principal parties concerned.

The undersigned avails himself, &c.

(Signed) SA' DA BANDEIRA.

Secretary of State's Office for Foreign Affairs, May 22, 1838.

The British Minister,

&c. &c. &c.

No. 114.

Viscount Palmerston to Mr. Jerningham.

SIR,

Foreign Office, 7th June, 1838.

I TRANSMIT to you a full power which the Queen has been graciously pleased to grant to you, under the Great Seal, authorizing and empowering you to conclude and sign, with the Minister or Ministers duly vested with similar power and authority on the part of the Queen of Portugal, a Treaty between Her Majesty and Her Most Faithful Majesty, for the suppression of the traffic in slaves.

I am, &c.

The Hon. G. S. S. Jerningham,
&c. &c. &c.

(Signed) PALMERSTON.

No. 115.

Mr. Jerningham to Viscount Palmerston.—(Received June 12.)

(Extract)

Lisbon, June 4th, 1838.

I HAVE the honour to acknowledge the receipt of your Lordship's dispatch of the 24th ultimo, marked Slave Trade, addressed to Lord Howard de Walden, and transmitting two copies of two series of papers relating to the Slave Trade, which have been presented to the two Houses of Parliament during the present Session, by Her Majesty's command.

No. 116.

M. de Carvalho to Viscount Palmerston.—(Received June 14.)

London, June 14, 1838.

IN addition to the documents accompanying the official note, which the Undersigned, Charge d'Affaires of Her Most Faithful Majesty at this Court had the honour to address, on the 27th March last, to his Excellency Lord Viscount Palmerston, &c., in order to prove the great outrage committed at Mosambique by Lieutenant Charles John Bosanquet, commander of Her Britannic Majesty's brig of war "Leveret," and the losses and damages caused by the said Lieutenant to M. Joao Jorge Peoli, Captain of the Spanish brig "Diogenes," the Undersigned has now received from M. Peoli copies of other documents, which clearly show M. Peoli's innocence on the charge brought against him of having fired on the boat belonging to the brig "Leveret."

The Undersigned, in transmitting to his Excellency Lord Viscount Palmerston the said copies, confidently hopes that they will remove all doubt as to M. Peoli having given in any way cause to the unjustifiable conduct of Lieutenant Bosanquet, and also tend to hasten the grant of M. Peoli's claim, as requested in the said note of the 27th March last.

The Undersigned, &c.

(Signed)

CHEV. REBELLO DE CARVALHO.

The Right Hon. Viscount Palmerston, G.C.B.,

&c. &c. &c.

Enclosure in No. 116.

(Translation.)

*Attestation consequent on the Declaration solicited by Don Juan Vasquez.**Application. Havana, 28th January, 1838.*

SEÑHOR COMMANDANT GENERAL OF THIS NAVAL STATION,

DON JUAN VASQUEZ, of this city, merchant, and consignee of the Spanish brig "*Diogenes*," says, with the respect due to you, Sir, that he wishes you would be pleased to direct him to be furnished with a certificate specifying the *day of departure* from this port of the Spanish brig the "*Aguila Vengadora*," when undertaking her last-but-one voyage, which she performed the preceding year, 1836, under the command of Captain Zavala, as also what was her *tonnage, destination, and armament*; he being likewise anxious to solicit a deposition testifying that the said brig "*Diogenes*," and that of the same class named "*Aguila Vengadora*," although with some difference in their dimensions, inasmuch as the former was somewhat larger, were painted alike; and that the "*Aguila*" had higher masts, so that the one might easily be mistaken for the other, particularly at some distance, and when not exactly known, by reason of being similarly painted as above stated, and the "*Aguila*," being higher masted, though the "*Diogenes*" was larger, he has determined to apply to your authority, Sir, for you to put forth the above indispensable declaration; wherefore he petitions you, Sir, to be pleased to direct that the shipwrights, M. Andres del Castillo, M. Francisco, and M. Antonio Vasquez, who were employed in careening both vessels, should depose, under the obligation of an oath in the legal form, according to the tenour and particulars which have reference to them, and preceded by your competent approbation, to the end that it may have the greater force and validity; and to order that I may have delivered to me, in the original, the proceedings, together with the attestations and certificates applied for by Petitioner, who will pay the charges, he hoping this favour from your well-known justice.

JUAN VASQUEZ.

Decree. Havana, 27th January, 1838.

To be referred to the opinion of the Judge of this naval station.

TOPETE.

PLACIDO BORREGO.

Another. Havana, 31st January, 1838.

Let the Declaration petitioned for be made out, by citing the fiscal and the witnesses who are to appear before the Judge.

TOPETE.

CARRILLO.

PLACIDO BORREGO.

Notification.—On the same day, month, and year, I notified the preceding Decree to M. Juan Vasquez.

This I certify,

BORREGO.

Delivery.—The same day I proceeded to the dwelling of the Senhor Fiscal, and delivered to him the above Decree.

This I attest,

BORREGO.

Deposition.—In the ever most faithful City of Havana, the 3rd February, 1838, there appeared before the Judge, M. Francisco Vasquez, a native of the town of Aris in the kingdom of Galicia, and an inhabitant of this city, married, and following the trade of a carpenter and caulker, as a witness exhibited by Don Juan Vasquez, with a view to the declaration which he has tendered, which witness was sworn before me, he taking the oath as directed by law, and promising to tell the truth, and, on being interrogated in conformity with the above application, he stated, that, having been employed on both vessels, deponent knows that the "*Diogenes*" is larger than the "*Aguila Vengadora*," notwithstanding that the latter has loftier masts, according to a note taken by him of the dimensions of both vessels; the said vessels are painted alike, so that a person *not perfectly acquainted with their build might mistake them at a certain distance, and much more so out*

at sea, where ships with high masts appear much larger than they really are, and he says that the above is the truth, &c. &c. &c.

Another.—In the always most faithful city of Havana, the 3rd February, 1838, appeared before the Judge, M. Antonio Vasquez, born at the town of Sejá, in the kingdom of Galicia, and an inhabitant of this city, bachelor, and following the trade of shipwright, being a witness presented by Don J. Vasquez, with a view to the declaration solicited by him, which witness being legally sworn, and having promised to tell the truth, on being questioned in accordance with the preceding petition, said that, by reason of having been at work on the brigs "*Diogenes*" and "*Aguila Vengadora*," he knows that the "*Diogenes*" is larger than the other, though the latter has higher masts, which he can affirm from having set down the dimensions; that both were painted of the same colour when they sailed from this port, so that a stranger might readily confound them at some distance, especially on the high seas, where high-masted vessels seem to be larger than they really are; and he says, &c. &c.

Deposition.—In the ever most faithful city of Havana, the 3rd February, 1838, appeared before the Judge, M. Andres Castillo, native of Ferrol, kingdom of Galicia, an inhabitant of this city, married, following the business of shipwright, now produced as witness by M. J. Vasquez, for the purpose above-mentioned, who, being legally sworn before me, and interrogated as to the particulars set forth in the petition, deposed, that having been one of the caulkers employed on the "*Diogenes*" and "*Aguila Vengadora*" he knows the former to be larger than the latter, though the "*Aguila*" has higher masts, for he has still by him the mould of both vessels; that he also knows they were painted alike when they sailed from this port, so that, at a distance, a stranger might well take one for the other, especially in a great offing, where ships with lofty masts appear larger than they actually are, which is the truth, &c. &c.

Decree.

Havana, February 6, 1838.

Seen.—Let the Senhor Fiscal be informed of these particulars.

TOPETE.

CARRILLO.

PLACIDO BORREGO.

Notification.—The same day, month, and year, I notified the preceding act to Don. J. Vasquez.

Certified by me.

BORREGO.

Service.—Same date, I went to the apartments of Senhor Fiscal to hand to him the above minute.

This I attest.

BORREGO.

I took the above papers to the Senhor Fiscal.

Sanet.

REPRES.

Representation of the Fiscal.

MR. COMMANDANT GENERAL.

THE War Fiscal of the Marine of this naval station, in compliance with the charge set forth in the Order, dated the 6th instant, has informed himself of the steps taken by Don Juan Vasquez to obtain a certificate of the day when the Spanish merchant brig "*Aguila Vengadora*" sailed on her last but one voyage, which she undertook the preceding year, 1836, under the command of her Captain Zabala, and to ascertain what were her tonnage, destination, and armament, soliciting also evidence as to whether the "*Diogenes*" and "*Aguila*" were painted alike, the former being larger, and the latter having higher masts; this has been forthwith carried into effect by aiding this department to procure the information referred to, which by reason of its being in accordance with all legal forms, and of the evidence being perfectly to the same effect, you, Sir, are warranted to give your approbation to it, and to proceed accordingly by delivering to petitioner the proceedings, and as to the certificates in question, since they cannot be given by the Notaries Public, Vasquez may be informed that he must take the proper steps for that purpose.

Havana, February 10th, 1838.

ANDRE.

*Act.**Havana, February 13th, 1838.*

Seen.—Let approbation be given as to whatsoever the law may require in the Declaration presented by Don Juan Vasquez, for whose greater validity and force the judge has interposed his authority; and in respect to all the rest the procedure shall be such as proposed by the Senhor Fiscal in his preceding representation; the expenses incurred must be defrayed by the applicant.

TOPETE.

CARRILLO.

PLACIDO BORREGO.

Notification.—Same day, month, and year I notified the preceding Act to Don Juan Vasquez.

Attested by me,

BORREGO.

Delivery.—Same date I went to the house of the Fiscal and delivered the preceding Act.

Attested by me,

BORREGO.

Application.—Mr. Commandant General of this naval station, Don Juan Vasquez, merchant, of this city, respectfully appears before you, Sir, and says:—That he has informed himself of the sentence pronounced by you, Sir, upon the opinion of the honorary magistrate, the judge of the Marine, approving the evidence I produced, and directing to inform petitioner that as to the certificate he solicited he must take the proper steps accordingly, and for this purpose you will have the goodness to order the Port Captain to subjoin the certificate of the day when the Spanish brig "*Aguila Vengadora*" sailed on her last voyage but one, which she performed, 1836, under the command of Captain Zavala, as well as to direct that the commandancy of the ships' register certify also the tonnage, destination, and armament of the said "*Aguila Vengadora*" and that thereafter the actuary add the attestation which I may apply for as directed. This I request conformably with the ends of Justice.

Havana, February 14, 1838.

As Agent for Don Juan Vasquez.

MANUEL ECHARTE.

*Decree.**Havana, February 14th 1838.*

As he prays,

(Two Signatures)

PLACIDO BORREGO.

Notification.—Same day, month, and year, I notified the preceding Decree to Don Manuel Echarte, which I certify.

BORREGO.

Delivery.—Same date I repaired to the house of the Fiscal to hand him the above decree. Witness my hand.

BORREGO.

Memorandum.—On the 15th of the said month, in the same year, I proceeded to the Commandancy of the Registry of shipping belonging to this province, and as the head of that office was present, I, after the usual ceremonies, delivered to him the above Decree.

Certificate.—I, Don Antonio Gaston y Navarrate, actual Knight of the Royal and Military Order of St. Hermenegild, decorated with the crosses of distinction of the Marine, and of Chielana, Captain of the Royal Fleet, Military Commander of the Registry of Ships in this province, and President of the Junta of the Company of Merchants and Fishermen for Her Majesty, certify that on the 8th June, 1836, departed from this captaincy the brig "*Aguila Vengadora*," on her voyage for the Philippine Islands, to touch at Madagascar, under the command of her Captain, Don Jose Ramon Zabala; she is, by admeasurement, of 240 tons burden, and her crew consists of fourteen sailors, thirteen juniors and a cabin-boy, superintended by five military and five naval officers; and she was armed with a strong "Colisa" twelve-pounder, two swivels (twelve pounders), one small piece of ordnance (Esmeril), thirty-one muskets, six pair of pistols, twelve sabres, and the necessary ammunition; which vessel returned from her said voyage to this port the 21st February, 1837; and in virtue of the procedure herein-before recorded of the 14th instant, I issue the present in Havana, the 16th February, 1838.

ANTONIO GASTON.

I, Don Juan Montano, Captain of Frigate in the Royal Fleet, and of this Port, Knight of the distinguished Orders of St. Hermenegild and Isabel the Catholic, decorated with other crosses of military merit, &c., certify, that in the book of departures now in use, is entered the departure of the Spanish brig called the "*Aguila Vengadora*," Captain Zabala, on the 20th June, 1836, bound to Madagascar. And that it may be on record, I sign the present, Havana, 17th February, 1838.

JUAN DE MONTANO.

A true copy, 20th February, 1838.

PLACIDO BORREGO.

We, the Notaries of the Queen, do certify, that Don Placido Borrego is Notary of the Kingdom, and Major of War of the Marine in this naval station; that he is legally qualified and trustworthy, so that in both Courts entire faith and credit has ever been given to all his transactions. And that it may be known where needful, we affix to the present the seal of our college. Havana, 20th February, 1838.

FELIZ LANCIZ.

MANUEL FORNARI.

JOSE RAFAEL DE MESA.

[Arms of Portugal.]

I, Jose Miguel Fernandez, Consul of Portugal in the ports of the Isle of Cuba, and residing in this city, do certify, that the signatures to the preceding document are those of Messrs. Lanciz, Fornari, and Rafael de Mesa, notaries public, and of the Royal College of this city; which signatures they employ in all their writings; to which, in and out of courts of judicature, entire faith and credit must be given. In witness whereof I make out the present, which I sign and seal with the Royal seal of this consulate. Havana, 20th February, 1838.

JOSE MIGUEL FERNANDEZ.

(L.S.)

No. 117.

Mr. Jerningham to Viscount Palmerston—(Received June 18.)

MY LORD,

Lisbon, June 11th, 1838.

VISCOUNT DE SA' DA BANDEIRA has informed me, that he lately received news of the capture of a large slave vessel named the "*Don Pedro*," by the authorities of the Cape Verd Islands, making the fifth which those authorities had seized. There were no slaves, the Viscount said, on board, but a sufficient number of water casks and boilers to warrant the seizure, under the Decree of December 10th, 1836. He added, that the frigate recently sent out to the Cape Verd Islands had orders to combine with the British Cruizers for preventing the traffic in slaves.

An interesting circumstance, of which Viscount de Sá informed me is, that in the interior of Angola 10,000 negroes, commanded by a Portuguese Lieutenant, had united, and were marching about the country for the purpose of hindering the sale of blacks.

About 70 contos of reis (17,000*l.*), were lately received from Angola, nearly half of which was immediately employed in paying the arrears of the navy.

I have, &c.,

(Signed)

G. S. S. JERNINGHAM.

The Right Hon. Viscount Palmerston, C.B.,

&c.

&c.

&c.

P.S. I transmit to your Lordship herewith a copy of my answer to Viscount de Sá da Bandeira's note, inviting me to apply for full powers to sign the Slave Trade Treaty.

G. S. S. J.

Enclosure in No. 117.

Mr. Jerningham to Viscount de Sá da Bandeira.

M. le Vicomte,

Lisbon, May 30, 1838.

I have the honour to acknowledge the receipt of the note which your Excellency did me the honour to address me yesterday, by which I am invited to apply to my

Government for full powers to conclude and sign the Treaty for abolishing Slave Trade, which Lord Howard de Walden negotiated with your Excellency.

I have not failed to transmit a copy of that note to London, which I earnestly hope may prove conducive to a satisfactory settlement of the important object under discussion between our governments.

I have, &c.;

(Signed)

G. S. S. JERNINGHAM.

To His Excellency the Viscount de Sà da Bandeira.

&c.

&c.

&c.

No. 118.

Mr. Jerningham to Viscount Palmerston.—(Received June 25.)

MY LORD,

Lisbon, June 18th, 1838.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatches of the 7th inst. marked Slave Trade, transmitting to me a full power to conclude and sign a Treaty between Her Majesty, and Her Most Faithful Majesty, for the suppression of the traffic in slaves.

I have, &c.

(Signed)

G. S. S. JERNINGHAM.

The Right Hon. Viscount Palmerston, G.C.B.,

&c.

&c.

&c.

No. 119.

Mr. Jerningham to Viscount Palmerston.—(Received July 9th.)

(Extract.)

Lisbon, July 2nd, 1838.

Viscount de Sà has informed me that the Brig-of-war "*Dom Pedro*" was about to sail for Moçambique, and the Corvette "*Urania*" for Angola, while the "*Algarve*" had already sailed for St. Thomas, and the "*Cabo Verde*" for the Cape de Verde Islands.

No. 120.

Viscount Palmerston to Mr. Jerningham.

SIR,

Foreign Office, July 13, 1838.

I HEREWITH transmit to you an extract from a Despatch from Her Majesty's Commissary Judge at the Havana, containing a report of Portuguese slave vessels, which had arrived at the Havana from the Coast of Africa, during the month of April 1838, and I have to desire that you will avail yourself of the facts stated in that paper, in order to strengthen your representations to the Portuguese Government, on the subject of the Slave Trade carried on under the flag of Portugal.

I am, &c.

The Hon. G. S. S. Jerningham.

(Signed)

PALMERSTON.

&c.

&c.

&c.

Enclosure in No. 120.

Extract from Despatch from Her Majesty's Commissioners at the Havana, dated May 21, 1839.

(See Class A. No. 63, page 104.)

No. 121.

Viscount Palmerston to M. de Carvalho.

THE undersigned, &c., has had the honour to receive the note, addressed to him on the 14th June, 1838, by the Chevalier de Carvalho, &c., enclosing the depositions

CLASS B.

2 F

made by two shipwrights at the Havana, at the request of Don Juan Vasquez, consignee of the Spanish brig "*Diogenes*," and which, as M. de Carvalho maintains, tend to shew that some resemblance existed between that vessel and the Spanish brig "*Aquila Vengadora*," a ship which is reported to have sailed from the Havana on the 20th of June, 1836, for Madagascar, under the command of Don Jozé Ramon Zabala.

M. de Carvalho expresses a confident hope, that the above-mentioned documents will remove all doubt, as to whether M. Peoli's conduct had given just cause for that of Lieutenant Bosanquet; and M. de Carvalho further trusts, that those documents will hasten the grant of the compensation claimed on behalf of M. Peoli.

The undersigned, however, has to observe, that these documents can only affect the case, in as far as they can tend to shew that Lieutenant Bosanquet might, by error, have taken the "*Aquila Vengadora*" for the "*Diogenes*;" but the only circumstance in which, these documents state that the one vessel resembled the other is, that they were both painted of the same colour; and, on the other hand, the very persons who depose to that fact, state also in the same document, that the two vessels were different in size, and dissimilar in the height of their masts.

It must also be borne in mind, that the officers and crew of the "*Leveret*" declared their readiness to testify on oath, that they recognised the commander and crew of the "*Diogenes*" as individuals whom they saw in the vessel from which the attack on the boats of the "*Leveret*" was made, at the very time when that attack took place.

After an attentive perusal of these documents, the undersigned is therefore obliged to state, that he cannot concur in the conclusion which the Portuguese Government has drawn from them: for these documents do not prove that the slave vessel which fired upon Lieutenant Bosanquet's boats was not the "*Diogenes*;" nor do they shew that M. Peoli was not the master of that slave-vessel; and they do not establish, that the subsequent attempt of the "*Leveret*" to detain the "*Diogenes*" was without provocation.

Foreign Office, 19th July, 1838.

M. de Carvalho,
&c. &c. &c.

The undersigned, &c

(Signed) . PALMERSTON.

No. 122.

Viscount Palmerston to Mr. Jerningham.

SIR,

Foreign Office, July 23, 1838.

I HAVE received your Despatches marked Slave Trade of the 4th and the 11th ultimo.

Her Majesty's Government have considered with attention the counter draft of Treaty with Portugal upon Slave Trade, which was brought home by Lord Howard de Walden, and which contained the alterations made by the Portuguese Minister upon the amended draft of Treaty sent out by Her Majesty's command to Lord Howard on the 24th March, 1838, and afterwards modified by my instructions of the 5th May, 1838.

Her Majesty's Government had hoped, that the draft of Treaty so furnished to Lord Howard, and embracing as it did every alteration which had at that time been proposed by the Portuguese Government, and which was not at variance with the simple and direct object of the Treaty, would have satisfied the Government of Portugal, and have been acceded to without any further difficulty.

Her Majesty's Government, however, have perused with great care the counter draft brought home by Lord Howard, and have made thereupon every concession, which can be consented to without prejudice to the objects for which the Treaty is to be concluded.

I send out to you the draft of Treaty* as it stands thus altered.

It is simplified in its preamble and in many of its stipulations; and in compliance with the desire of the Portuguese Government some new stipulations

* For the Draft of Treaty thus altered, see fourth column of Enclosure 2 to this Despatch.

have been inserted, and some of the stipulations formerly proposed have been either altered, or wholly omitted.

The Treaty as it now stands cannot be considered as being a Treaty of Alliance, of Subsidy, or of Commerce; it is simply an agreement to establish colonial commissions and regulations of maritime police, for the attainment of the object which both parties declare themselves to have equally at heart, and to carry into execution the existing laws of both countries.

You will communicate the draft of this Treaty forthwith to M. de Sà da Bandeira: and you will say to him, that any further delay in concluding this Treaty, or any further proposals of alterations in this draft, must be considered by Great Britain as tantamount to a refusal on the part of Portugal to fulfil the engagements by which she is bound on this matter.

You will add, that Her Majesty's Government trust, that it may be found consistent with Portuguese law, that the Queen of Portugal should ratify this convention without waiting for the assembling of the Cortes.

It must be obvious to the Portuguese Government, that to refer Great Britain to the Cortes for the ratification of a Treaty which, by the avowal of M. de Sà da Bandeira himself, is so extremely repugnant to the prejudices and habits of the Portuguese nation, as well as to the personal interests of influential individuals at Lisbon, would be merely to substitute one set of delays for another; and thus, after a tedious negotiation of more than two years, in which almost every expedient of procrastination and delay has been resorted to by Portugal, the British Government would be no nearer the accomplishment of its purpose; and the object for which so many hundred thousand pounds have been received by Portugal from Great Britain would still remain unattained.

You will state, that Her Majesty's Government hope and earnestly request, that the Portuguese Government will assimilate the law of Portugal against Slave Trade to the law of Great Britain: and you will explain that M. de Sà's objections to such an assimilation seems to be founded in error.

M. de Sà says that Slave Trade cannot be declared piracy in Portugal, as it is in England, because the Portuguese legislature would not make Slave Trade a capital offence, which it must be if declared to be piracy; but though Slave Trading is by the law of England piracy, the offence is punishable by transportation and not by death; and therefore the Portuguese Government might assimilate the Portuguese law against this crime to the English law, without thereby making the offence a capital crime.

It is to be observed, moreover, that it may be true, as stated by M. de Sà, that Portuguese juries have a great dislike to inflict death; but it does not appear from the official returns of the Government, that the nation at large has the same reluctance, inasmuch as those returns show, that, in the year 1837, 818 persons perished in Portugal, the victims of assassination. It is indeed probable that if the vengeance of the law were less sparingly exerted, the vengeance of individuals would be more effectually controlled.

At any rate, the punishment of transportation cannot well be deemed too great for a crime which inflicts, every year, forcible transportation, accompanied by the most extreme of human misery, upon hundreds of thousands of unoffending men, women, and children.

If the Portuguese Government do not intend, that their own laws against Slave Trade shall remain an empty and meaningless form of words, they can have no reasonable objection to the proposition made upon this point by Great Britain.

I send to you for your further information and assistance on this subject, a paper showing, in four columns, first, those passages in the draft proposed by Great Britain, to which the Portuguese objected; secondly, the omission, or addition, or alteration proposed thereupon by the Portuguese Government; thirdly, my reasons for agreeing to or dissenting from such proposed alterations; and fourthly, the corresponding passage as it must now finally stand.

You will be enabled by that document to explain to M. de Sà the reasons, in each case, why Her Majesty's Government either accede to or reject his proposal; and you will distinctly state to him, that you are instructed positively to refuse to send back again to your Government any of the Portuguese propositions, which Her Majesty's Government have, upon full consideration, rejected.

With respect to the proposed guarantee of the Portuguese colonies, you will

state, that Her Majesty's Government consider such a demand on the part of Portugal unreasonable, and that it is entirely inadmissible by Great Britain.

The Hon. G. S. S. Jerningham,
&c. &c. &c.

I am, &c.
 (Signed) PALMERSTON.

I am, &c.

(Signed)

PALMERSTON.

First Enclosure in No. 122.

(Draft of Treaty.)

For this Draft see the Second Enclosure, column fourth, where the Draft of Treaty will be found entire, as it stood in the First Enclosure.

Second Enclosure in No. 122.

PAPER SHOWING,

First. Those Passages in the Draft proposed by Great Britain, to which the Portuguese Government objected :

Secondly. The Omission, or Addition, or Alteration, proposed thereupon by the Portuguese Government :

Thirdly. Viscount Palmerston's Reasons for agreeing to, or dissenting from, such proposed alterations : and,

Fourthly. The corresponding Passage as it must now finally stand.

Draft which was proposed by Great Britain, with the passages marked in it to which the Portuguese objected.

The omission or addition or alteration proposed by the Portuguese.

Draft of a Treaty with Portugal on Slave Trade.

PREAMBLE.

HER Majesty the Queen of Portugal and the Algarves, and her Majesty the Queen of the United Kingdom of Great Britain and Ireland, being mutually animated with the most sincere desire of co-operating for the total extinction of the barbarous Traffic in Slaves, and being anxious to complete the work, commenced by the Treaties which were concluded in 1815 and 1817, between the two Crowns,^a and which served as the earliest model^b for the subsequent Conventions, in virtue of which the greater part of the Powers of Christendom have, since that time, associated together for the like object; and^c the separation of the Brazils from the Crown of Portugal having, de facto, annulled the only reservation for which Portugal had stipulated in the Treaty of 1815, and the Queen of Portugal having,^d by a Decree of the 10th of December, 1836, abolished the Slave Trade throughout the Portuguese Dominions, their Majesties *being thereby enabled to declare the Slave Trade totally and finally abolished as regards the subjects of both respectively*; have resolved to proceed to the conclusion of a Treaty, for the *special*^e purpose of *publishing*,^f in the most formal and solemn manner, *the above-mentioned declaration*,^g and for rendering

'effective' the^h Laws enactedⁱ against

this^m inhuman Traffic; andⁿ have respectively named, for this purpose, as their Plenipotentiaries, &c. &c., who having communicated to each other their respective Full Powers, found to be in due and proper form, have agreed upon the following Articles:

ARTICLE I.

The two High Contracting Parties mutually declare to each other, that the Slave Trade is, and shall for ever continue to be, totally and utterly abolished in every part of their respective dominions, and for all the subjects of their respective Crowns.

^a *altered to Countries.*
^b *letter s added.*

^c *word and omitted.*

^d *word further added.*

^e *this passage omitted.*

^f *altered to double.*

^g *altered to declaring.*

^h *altered to "that the said odious traffic is totally and finally abolished as regards their subjects."*

ⁱ *word more added.*

^j *words in their operation added.*

^k *word special added.*

^l *words in both countries added.*

^m *altered to the same*

ⁿ *altered to for which purpose their Majesties*

The Portuguese Draft of this Article was precisely similar to the British Draft.

in No. 122.

Reasons of Lord Palmerston for agreeing or dissenting.

The Passage as Lord Palmerston now sends it out again.

Draft of a Treaty with Portugal on Slave Trade.

Substitute new "Preamble."

PREAMBLE.

P.

THEIR Majesties the Queen of the United Kingdom of Great Britain and Ireland, and the Queen of Portugal and the Algarves, being earnestly desirous of putting an immediate end to the barbarous and piratical practice of transporting the natives of Africa across the sea, for the purpose of consigning them to slavery; and their said Majesties considering that this infamous practice was declared to be a highly penal crime by the law of Great Britain, in the year 1807, and has likewise been prohibited under severe penalties, by the law of Portugal in December 1836; and their said Majesties being of opinion, that in order the more completely to prevent for the future the perpetration of this crime, and to render more effectual the operation of the laws enacted in each country for its punishment, it will be expedient to establish regulations of maritime police, and to constitute colonial commissions, to which regulations and commissions, vessels navigating under the flag of either Party, and not belonging to one or other of the Royal Navies, shall be amenable, their said Majesties have resolved to conclude a Treaty for this purpose, and have accordingly named as their Plenipotentiaries, &c. &c.

who having communicated to each other their respective Full Powers, found to be in due and proper form, have agreed upon the following Articles:

ARTICLE I.

The two High Contracting Parties mutually declare to each other, that the infamous and piratical practice of transporting the natives of Africa by sea, for the purpose of consigning them to slavery, is, and shall for ever continue to be, a strictly prohibited, and highly penal crime, in every part of their respective dominions, and for all the subjects of their respective Crowns.

British Draft.

Portuguese Alterations.

ARTICLE II.

Her Majesty the Queen of Portugal and the Algarves hereby engages, that, immediately after the exchange of the Ratifications of the present Treaty, and, from time to time afterwards, as it may become needful, Her Majesty will take the most effectual measures for preventing Her subjects from being concerned, and Her Flag from being used in carrying on, in any way, the Trade in Slaves; and, especially, that within six months after the said exchange, She will promulgate throughout Her dominions a penal law, inflicting a punishment the most severe, on all those Her subjects who shall, under whatsoever pretext, take any part whatever in the Traffic in Slaves, and by which Slave Trade is declared to be piracy.

ARTICLE III.

Her Majesty the Queen of Portugal and the Algarves also engages, that, in further pursuance of the stipulation contained in the 1st Article of this Treaty, She will forthwith take the necessary steps for enacting penal Laws, analogous to those which are established in the dominions of Great Britain, for the prevention of the Slave Trade.

ARTICLE IV.*

In order more completely to carry into effect the spirit of the present Treaty, the two High Contracting Parties mutually renew the consent, already stipulated in the Convention of 1817, that those ships of their Royal Navies respectively, which shall be provided with special Instructions for that purpose, as hereinafter-mentioned, may visit such Merchant vessels of the two Nations, as may be suspected, upon reasonable grounds, of being engaged in the traffic in slaves, or of having been fitted out for the purposes thereof, or of having, during the voyage in which they are met by the said Cruizers, been engaged in the traffic in slaves, contrary to the provisions of this Treaty; and that such Cruizers may detain and send or carry away such vessels, in order that they may be brought to trial in the manner hereinafter agreed upon.

In order to fix the reciprocal right of search in such a manner as shall be adapted to the attainment of the object of this Treaty, and shall at the same time avoid doubts, disputes, and complaints, the said right of search shall be under-

This Article is entirely omitted in the draft of Treaty brought home by Lord Howard.

This Article is entirely omitted in the draft of Treaty brought home by Lord Howard.

* *Altered to II.*

Remarks.	Passages as they are now to stand.
This Article is not necessary. P.	Article omitted accordingly.

This Article may be omitted.

P.

Article omitted accordingly.

ARTICLE II.

The two High Contracting Parties mutually consent, that those ships of their Royal Navies respectively, which shall be provided with special instructions, as hereinafter mentioned, may visit and search such vessels of the two nations, as may be suspected, upon reasonable grounds, of being engaged in transporting negroes for the purpose of consigning them to slavery, or of having been fitted out with that view, or of having been so employed during the voyage in which they are met by the said cruizers; and the said High Contracting Parties also consent, that such cruizers may detain and send or carry away such vessels, in order that they may be brought to trial in the manner hereinafter agreed upon: and in order to fix the reciprocal right of search, in such a manner as shall be adapted to the attainment of the objects of this Treaty; and shall at the same time prevent doubts, disputes, and complaints; it is agreed that the said right of search shall be exercised in the manner and according to the rules following:

First. It shall never be exercised except by vessels of war, authorised ex-

2 G

CLASS B.

British Draft.

Portuguese Alterations.

stood in the form and according to the rules following :

First.—It shall never be exercised except by vessels of war, authorised expressly for that purpose, according to the stipulations of this Treaty.

Secondly.—In no case shall the right of search be exercised with respect to a vessel of the Royal Navy of either of the two Powers, but only as regards merchant vessels.

Thirdly.—*Whenever*^a a merchant vessel is^b searched by a *ship*^c of war, the Commander of *the said*^d ship shall, *in the act*^e of so doing, exhibit to the Commander of the merchant vessel the document by which he is duly authorised to that end; and shall deliver to the said Commander of the merchant vessel a certificate, signed by himself, stating his rank in the naval service of his country, and the name of the vessel he commands; and this Certificate shall also declare, that the only object of the search is to ascertain, whether the vessel to be searched is employed in the slave traffic, or is fitted up for the said traffic. When the search is made by an officer of the cruiser, who is not the Commander, the said officer shall^f exhibit^g to the captain of the merchant vessel a copy of the *before*^h-mentioned document, signed by the commander of the cruiser; and shall, in like manner, deliver a certificate, signed by himself, stating his rank in the Royal Navy, the name of the commander by whose orders he proceeds to make the search, that of the cruiser in which he sails, and the object of the search, as has been already laid down. If it appears from the search, that the papers of the vessel are in regular order, and that the vessel is employed for licit purposes, the officer shall enter in the log-book of the vessel, that the search has been made in pursuance of the aforesaid especial orders; and the vessel shall be left at liberty to pursue its voyage. ⁱThe rank of the officer who makes the search must not be less than that of lieutenant of the Royal Navy, unless he be the officer, who shall at the time be second in command of the searching vessel, or unless the command shall, by reason of death or otherwise, be held by an officer of inferior rank.

Fourthly.—The reciprocal right of search and detention shall not be exercised within the Mediterranean sea, nor within the seas in Europe *which lie*^k

^a altered to previous to.

^b altered to being. ^c altered to vessel.

^d altered to such vessel of war.

^e omitted.

^f words, proceed strictly in the same manner as if he were the Commander, after having previously, added.

^g the letters ed added.

^h altered to above.

ⁱ word, fourthly, added.

^j altered to Fifthly.

^k altered to lying.

Remarks.

Passages as they are now to stand.

pressly for that purpose, according to the stipulations of this Treaty.

Second, In no case shall the right of search be exercised with respect to a vessel of the Royal Navy of either of the two Powers.

Third, Whenever a vessel is searched by a ship of war, the Commander of such ship of war shall, immediately upon coming on board the vessel which is to be searched, and before he begins the search, exhibit to the Commander of the vessel which is to be searched, the document by which he is duly authorised to make the search; and he shall deliver to the said Commander of the vessel which is to be searched, a certificate, signed by himself, stating his rank in the naval service of his country, and the name of the ship of war which he commands; and this certificate shall also declare, that the only object of the search is to ascertain whether the vessel to be searched is employed in transporting negroes or others in order to consign them to slavery, or is fitted up for such purpose. When the search is made by an officer of the cruizer, who is not the Commander thereof, such officer shall proceed strictly in the same manner as if he were the Commander, after having previously exhibited to the Captain of the vessel to be searched, a copy of the above-mentioned document, signed by the Commander of the cruizer; and he shall, in like manner, deliver a certificate, signed by himself, stating his rank in the Royal Navy, the name of the Commander by whose orders he proceeds to make the search, that of the cruizer in which he sails, and the object of the search, as has been already laid down. If it appears from the search, that the papers of the vessel are in regular order, and that the vessel is employed for lawful purposes, the officer shall enter in the log-book of the vessel, that the search has been made in pursuance of the aforesaid special orders; and the vessel shall be left at liberty to pursue her voyage.

Fourth. The rank of the officer who makes the search must not be lower than that of Lieutenant of the Royal Navy, unless he be the officer, who shall, at the time, be second in command of the searching vessel; or unless the command shall, by reason of death or otherwise, be held by an officer of inferior rank.

Fifth. The reciprocal right of search

British Draft.

Portuguese Alterations.

without the Straits of Gibraltar, and¹ to the northward of the thirty-seventh parallel of north latitude, and^m within and to the eastward of the meridian of longitude twenty degrees west of Greenwich.

ARTICLE V.*

In order to regulate the mode of carrying the provisions of the preceding Article into execution, it is agreed: First, that all^a ships of the Royal Navies of the two Nations, which shall be hereafter employed to prevent the Traffic in Slaves, shall be furnished by their respective Governments with a copy, in the English and Portuguese languages, of the present Treaty, of the Instructions for Cruizers annexed therto, esub litterâ A. and of the Regulations for the Mixed Courts^b of Justice annexed thereto, sub litterâ B. which Annexes, respectively, shall be considered as an integral part of the Treaty.

Secondly.—That each of the High Contracting Parties shall, *from time to time*,^c communicate to the other the names of the several ships furnished with such Instructions, the force of each, and the names of their several Commanders.^d

Thirdly.—That if, at any time, there shall be just cause to suspect, that any merchant vessel, sailing under the Flag of either nation, and proceeding under the convoy of any ship or ships of war of either of the Contracting Parties, is engaged, or is intended to be engaged in the Traffic in Slaves, or is fitted out for the purposes thereof, or has, during the voyage on which she *may*^e be met with, been engaged in the Traffic in Slaves, it shall be *lawful*^f for the Commander of any ship of the Royal Navy of either of the two High Contracting Parties, furnished with such Instructions as aforesaid, to communicate^g his suspicions to the Commander of the convoy, *who, accompanied by the Commander of*

*the cruizer, shall proceed*¹ to the search of the suspected vessel;^j and in case^k

¹ *words, which lie, added.*

^m *word, also, added.*

* *altered to III.*

^a *word, the, added.*

^b *altered to Commissions.**

^c *altered to every six months, or oftener if required.*

^d *words, and of the officer second in command, added.*

^e *altered to has been.*

^f *altered to the duty of any.*

^g *words, by writing, added.*

^h *altered to, the said Commander of the convoy shall give an acknowledgement in writing of the said communication, and he*

¹ *words, himself, or send the officer his second in command, added.*

^j *words, the Commander of the convoy shall communicate in writing to the Commander of the cruizer the result of the search, added.*

^k *word that added.*

Remarks.

Passages as they are now to stand.

* In the Drafts sent out to Lord Howard the words *Court of Justice* were used, when adverting to the Mixed British and Foreign Tribunals; and the word *Judge* was used, when adverting to the First Member of that Court.

In the Draft brought home by Lord Howard from Portugal, the words *Court of Justice* are erased, and the word *Commission* inserted instead; and the word *Judge* is altered to the word *Commissioner*.

If the Portuguese Government will not ratify without Cortes, Mr. Jerningham must then insist upon the reinsertion of the title of *Judge*, and must call the Commissions *Courts of Justice*.

Mr. Jerningham will see to this alteration throughout the Treaty and its Annexes.

P.

† Remark by Lord Palmerston :—

“ Ask Admiralty if there would be any difficulty in sending the names of all the officers of each cruiser ? ”

Done, June 15.

Answer, June 15 :—

“ There will be no difficulty in sending the names of all commissioned officers appointed to each ship when commissioned, nor in sending quarterly, or at stated periods, the names of the officers according to the returns received; but new appointments are continually made, and changes occur by death, or otherwise, of which the Admiralty are not apprized for some time, and the proposed measure cannot therefore have the

and detention shall not be exercised within the Mediterranean sea, nor within the seas in Europe, which lie without the straits of Gibraltar, and to the northward of the thirty-seventh parallel of north latitude, and within, and to the eastward of, the meridian of longitude twenty degrees west of Greenwich.

ARTICLE III.

In order to regulate the mode of carrying the provisions of the preceding Article into execution, it is agreed :— First, that all ships of the Royal Navies of the two Nations, which shall be hereafter employed to prevent the transport of negroes or others for the purpose of consigning them to slavery, shall be furnished by their respective Governments with a copy, in the English and Portuguese languages, of the present Treaty; of the Instructions for Cruizers annexed thereto, *sub litterâ* A. ; and of the Regulations for the Mixed* Commissions annexed thereto, *sub litterâ* B. ; which Annexes, respectively, shall be considered as an integral part of the Treaty.

Second. That each of the High Contracting Parties shall, from time to time, and as often as any changes are made in the ships of war employed on this service, communicate to the other the names of the several ships furnished with such instructions; the force of each; and the names of their several Commanders, and of the officers second in command.†

Third. That if, at any time, there shall be just cause to suspect that any vessel sailing, under the flag of either nation, and proceeding under the convoy of any ship or ships of war of either of the Contracting Parties, is engaged, or is intended to be engaged, in the transport of negroes or others for the purpose of consigning them to slavery; or is fitted out with that view; or has, during the voyage in which she has been met with, been so employed, it shall be the duty of any Commander of any ship of the Royal Navy, of either of the two High Contracting Parties, furnished with such instructions, as aforesaid, to communicate in writing his suspicions to the Commander of the convoy, and the said Commander of the convoy shall give an acknowledgement in writing of the said communication; and the said Commander of the convoy, accompanied by the Commander of the cruiser, shall proceed himself to search the suspected

British Draft.	Portuguese Alterations.
<p>the suspicions <i>appear</i>¹ well-founded, according to the tenor of this Treaty, then the said vessel shall be conducted or sent^m to one of the points where the</p>	<p>¹ <i>altered to shall be.</i></p>
<p>Mixed Courtsⁿ of Justice are stationed, in^o order to undergo the sentence applicable to the case.</p>	<p>^m <i>words, by the said Commander of the convoy, added.</i> ⁿ <i>altered to Commissions.</i> ^o <i>omitted.</i></p>
<p><i>Fourthly.—^pIt is further mutually agreed, that the Commanders of the ships of the two Royal Navies, respectively, who shall be employed on this service, shall adhere strictly to the exact tenour of the aforesaid Instructions.</i></p>	<p>^p <i>altered to It shall not be lawful to visit or detain, under any pretext or motive whatever, any merchant vessel when at anchor in any port, bay, or roadstead, belonging to either of the two High Contracting Parties, or within cannon-shot of the batteries on shore, unless on a written demand for co-operation on the part of the authorities of such country; but should any suspected vessel be met with in such port, bay, or roadstead, due representation of the same is to be made to the authorities of the country, requesting them to take the necessary measures to prevent the abuse of any stipulations of this Treaty, and the said authorities shall proceed accordingly.</i> [*] <i>altered to IV.</i></p>
<p>ARTICLE VI.*</p>	
<p>As the two preceding Articles are entirely reciprocal, the two High Contracting Parties engage, mutually, to make good any losses, which their respective subjects may incur by the arbitrary and illegal detention of their vessels; it being understood that this indemnity shall <i>invariably</i>^a be borne by the Government whose cruizer shall have been guilty of such arbitrary and illegal detention; ^b <i>and that the visit and detention of vessels, specified in the IVth Article of this Treaty, shall only be effected by those British or Portuguese ships, which may form part of the two Royal Navies, respectively, and by those ships only, which are provided with the special Instructions annexed to the present Treaty in pursuance of the provisions thereof.</i></p>	<p>^a <i>omitted.</i></p>
<p>The ^c <i>compensation for damages</i>, of which this Article treats, shall be made within the term of one year, reckoned from the day on which the Mixed Court of Justice^d pronounces sentence on the vessel, for the detention of which such <i>compensation</i>^e is claimed.</p>	<p>^b <i>omitted.</i></p>
<p>ARTICLE IX.</p>	<p>^c <i>altered to indemnification.</i></p>
<p>It is, however, distinctly understood between the two High Contracting Parties, that no stipulation of the present</p>	<p>^d <i>altered to Commission.</i></p>
	<p>^e <i>altered to indemnification.</i></p>
	<p>This Article is entirely omitted in the Draft of Treaty brought home by Lord Howard.</p>

Remarks.

Passages as they are now to stand.

effect of keeping the respective Governments informed of the names of the officers serving."

Remark by Lord Palmerston:—

The proposed change would give no useful information to the Portuguese Government, and might lead to disputes; for this reason it is omitted.

P.

vessel. If the suspicions shall prove to be well founded, according to the tenor of this Treaty, then the said vessel shall be conducted, or sent by the Commander of the convoy, to one of the points where the Mixed Commissions are stationed, in order that the vessel may undergo the sentence applicable to her case.

Fourth. It shall not be lawful to visit or detain, under any pretext or motive whatever, any merchant vessel when at anchor in any port or roadstead belonging to either of the two High Contracting Parties, or within cannon-shot of the batteries on shore; unless on a written demand for co-operation on the part of the authorities of such country; but should any suspected vessel be met with in such port or roadstead, due representation of the same is to be made to the authorities of the country, requesting them to take the necessary measures, to prevent the violation of the stipulations of this Treaty; and the said authorities shall proceed to take effectual measures accordingly.

ARTICLE IV.

As the two preceding Articles are entirely reciprocal, the two High Contracting Parties engage, mutually, to make good any losses, which their respective subjects may incur by any arbitrary and illegal detention of their vessels; it being understood, that this compensation shall be made by the Government whose cruiser shall have been guilty of such arbitrary and illegal detention.

The compensation for damages, of which this Article treats, shall be made within the term of one year, reckoned from the day on which the Mixed Commission pronounces sentence on the vessel, for the detention of which such compensation is claimed.

ARTICLE V.

Lord Howard says that this Article, as printed on the opposite side, was agreed to by him, and was to have been

It is, however, distinctly understood between the two High Contracting Parties, that no stipulation of the present

British Draft.

Portuguese Alterations.

Treaty shall be interpreted as interfering with the right of Portuguese subjects, to be accompanied, in Voyages to and from the Portuguese Possessions off the Coast of Africa, by slaves, who are *bonâ-fide* household servants, and who may be duly named and described as such in passports, wherewith the vessel must be furnished, from the highest civil authority at the place where such slaves shall have embarked; provided,

First. That in such Voyages no Portuguese subject, except he be a Portuguese settler, removing definitively from his residence in a Portuguese possession on the Coast of Africa, shall be accompanied by more than two slaves, being *bonâ-fide* household servants.

Secondly. That such a settler, removing definitively with his family from his residence in a Portuguese Possession on the Coast of Africa, shall not be accompanied by more than ten slaves; that all these slaves shall be *bonâ-fide* his household servants; that no other slaves shall be embarked on board of the vessel on which the said household servants shall be found; and that the voyage, on which such settler and his family shall be so accompanied by such household slaves, shall be a direct voyage to the Portuguese Islands of Cape de Verd, Princes, or St. Thomas, from some place in the Portuguese Possessions on the Coast of Africa, where the said settler shall have been permanently residing.

Thirdly. That the passports above-mentioned shall enumerate each of the persons on board the Vessel, and shall state their names, sex, ages, and occupation, their last place of residence, and the place to which they are going.

Fourthly. That there be nothing in the equipment or character of the vessel in which such household slaves may be found, which shall justify its detention under the provisions of this Treaty.

But if the equipment or character of the vessel shall justify the detention of the vessel under the stipulations of the present Treaty; or if any of the regulations specified in this Article shall be unobserved or violated, in respect to such vessel, then her master, and her crew, and the owner or owners of the vessel, of the cargo, or of the slaves, shall be liable to be proceeded against as accomplices in an infraction of the present Treaty, and to be punished accordingly; and the vessel and cargo shall be ad-

Remarks.

Passages as they are now to stand.

inserted in the Treaty, and it was probably omitted by mistake in the Draft sent home.

Mr. Jerningham may therefore be authorized to insert it as Article V.; but the British Government does not desire to have it, and would prefer its omission, if the Portuguese Government does not require it.

P.

Treaty shall be interpreted as interfering with the right of Portuguese Subjects to be accompanied, in Voyages to and from the Portuguese Possessions off the Coast of Africa, by slaves, who are *bonâ-fide* household servants, and who may be duly named and described as such in passports, wherewith the vessel must be furnished, from the highest civil authority at the place where such slaves shall have embarked, provided,

First. That in such voyages, no Portuguese Subject, except he be a Portuguese settler, removing definitively from his residence in a Portuguese possession on the Coast of Africa, shall be accompanied by more than two slaves, being *bonâ-fide* household servants.

Secondly. That such a settler, removing definitively with his family from his residence in a Portuguese possession on the Coast of Africa, shall not be accompanied by more than ten slaves, and that all these slaves shall be *bonâ-fide* his household servants.

Thirdly. That no other slaves shall be embarked on board of the vessel in which the said household servants shall be found; and that the voyage, on which such settler and his family shall be so accompanied by such household slaves, shall be a direct voyage to the Portuguese Islands of Cape de Verd, Princes, or St. Thomas, from some place in the Portuguese possessions on the Coast of Africa, where the said settler shall have been permanently residing.

Fourthly. That the passports above-mentioned shall enumerate each of the persons on board the vessel, and shall state their names, sex, ages, and occupation, their last place of residence, and the place to which they are going.

Fifthly. That there be nothing in the equipment or character of the vessel in which such household slaves may be found, which shall justify its detention under the provisions of this Treaty.

But if the equipment or character of the vessel shall justify the detention of the vessel under the stipulations of the present Treaty; or if any of the regulations specified in this Article shall be unobserved or violated, in respect to such vessel, then her master, and her crew, and the owner or owners of the vessel, of the cargo, or of the slaves, shall be liable to be proceeded against, as accomplices in an infraction of the present Treaty, and to be punished accordingly;

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Portuguese Alterations.

judged and condemned, and the Slaves shall be liberated.

ARTICLE VII.*

In order to bring to adjudication, with as little delay and inconvenience as possible, the vessels which may be detained according to the tenor of the IVth Article of this Treaty, there shall as soon as may be practicable be established two Mixed Courts of Justice,^a formed of an equal number of individuals of the two Nations,^b named for this purpose by their respective Sovereigns.

These Courts^c shall reside,^d one in a Possession belonging to Her Britannic Majesty, the other within the Territories of Her Majesty^e the Queen of Portugal and the Algarves; and the two Governments, at the period of the exchange^f of the Ratification of the present Treaty, shall declare, each for its own Dominions, in what places the Courts^g shall respectively reside; each of the two High Contracting Parties reserving^h to itself the right of changing, at its pleasure, the place of residence of the Courtⁱ held within its own Dominions: provided, however,^j that one of^k the two

Courts^l shall always be held^m upon the

Coastⁿ of Africa, and the other in one of the Colonial Possessions of Her Majesty the Queen of Portugal and the Algarves.^o

These Courts^p shall judge the causes submitted to them, according to the provisions of the present Treaty, without appeal; and according to the Regulations and Instructions which are annexed to the present Treaty, and which are considered as forming an integral part thereof.

ARTICLE VIII.

It is hereby agreed between the High Contracting Parties, that the Mixed Commissions^a at present established and sitting under the Convention between Great Britain and Portugal of the 28th of July, 1817, shall continue to sit,^b and shall from^c and after the end of

six months subsequent^d to the exchange of the Ratifications of this Treaty, and^e until the further^f appointment, and definitive establishment, of a^g mixed Court^h

of Justice under the present Treaty, ad-

* Altered to VI.

^a altered to Commissions.

^b word and added.

^c altered to Commissions.

^d word the added.

^e altered to Most Faithful Majesty.

^f omitted.

^g altered to Commissions.

^h altered to reserves.

ⁱ altered to Commission.

^j altered to always.

^k omitted.

^l altered to Commissions.

^m word either added.

ⁿ words or in one of the islands, added.

^o omitted.

^p altered to Commissions.

^a letter s omitted.

^b altered to exercise its functions.

^c altered to commencing.

^d altered to after.

^e the word and omitted.

^f the word further omitted.

^g altered to the.

^h altered to Commissions.

Remarks.

Passages as they are now to stand.

and the vessel and cargo shall be adjudged and condemned, and the slaves shall be liberated.

ARTICLE VI.

In order to bring to adjudication, with as little delay and inconvenience as possible, the vessels which may be detained according to the tenor of the IInd Article of this Treaty, there shall be established, as soon as may be practicable, two or more mixed Commissions, formed of an equal number of individuals of the two nations, and named for this purpose by their respective Sovereigns.

Of these Commissions one-half shall reside in possessions belonging to Her Britannic Majesty, the other half within the territories of Her Most Faithful Majesty; and the two Governments, at the period of exchanging the Ratifications of the present Treaty, shall declare, each for its own dominions, in what places the Commissions shall respectively reside; each of the two High Contracting Parties reserves to itself the right of changing, at its pleasure, the place of residence of the Commissions held within its own dominions: provided always, that two at least of the said Commissions, shall always be held either on the coast of Africa, or in one of the Islands off that coast.

These Commissions shall judge the causes submitted to them according to the provisions of the present Treaty, without appeal; and according to the Regulations and Instructions, which are annexed to the present Treaty, and which are considered as forming an integral part thereof.

ARTICLE VII.

It is hereby agreed between the High Contracting Parties, that the Mixed Commission at present established, and sitting under the Convention between Great Britain and Portugal of the 28th of July, 1817, shall continue to exercise its functions, and shall, from and after the end of six months after the exchange of the Ratifications of this Treaty, and until the appointment and definitive establishment of the Mixed Commissions under the present Treaty, adjudge without appeal, according to the principles and stipulations of the present

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judge without appeal, according to the principles and stipulations of the present Treaty, and of the *several*¹ annexes thereof, the cases of such vessels as may be sent or brought before *them*;² and any vacancies which may occur in such Mixed Commissions³ shall be filled up in the same manner in which vacancies in the mixed *Courts*⁴ of *Justice*, to be established under the provisions of this Treaty, are to be supplied.

⁵ *It is further agreed, that, until a mixed Court of Justice shall be actually established in a Portuguese settlement, a mixed Court of Commission shall be established within the British Settlements on the Bahama Islands, and the same is hereby empowered to take cognizance of any case of Portuguese Slave Trade which may be brought before it, and to decide such case according to the principles and stipulations of the present Treaty, and of the several annexes thereof: and Her Most Faithful Majesty engages to add, as soon as possible, to the said mixed Court of Commission within the British Settlements on the Bahama Islands, two Commissioners on the part of Portugal, to act in the cases of Portuguese Vessels brought before the said Commission.*

And the said High Contracting Parties further agree, that the British Commissioners of the said Court to be established within the British Settlements on the Bahama Islands, shall be, and are hereby empowered to take cognizance of and to adjudicate such cases, until such time as the two Commissioners to be nominated on the part of Portugal shall have been appointed, and shall be ready to act, or until a mixed Court of Justice shall have been actually established in a Portuguese Settlement.

ARTICLE X.

In case the Commanding Officer of any of the ships of the Royal Navies of Great Britain and of Portugal respectively, duly commissioned, according to the provisions of the IVth Article of this Treaty, shall deviate, in any respect, from the stipulations of the said Treaty, or from the instructions annexed to it; the Government which shall conceive itself to be wronged thereby shall be entitled to demand reparation; and, in such case, the Government to which such Commanding Officer may belong, binds itself to cause inquiry to be made

¹ *the word several omitted.*

² *altered to it.*

³ *letter s omitted.*

⁴ *altered to Commissions.*

⁵ *omitted.*

The Article is entirely omitted in the Draft of Treaty brought home by Lord Howard.

Remarks.	Passages as they are now to stand.
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Treaty, and of the annexes thereof, the cases of such vessels as may be sent or brought before it; and any vacancies which may occur in such Mixed Commissions, shall be filled up in the same manner in which vacancies in the Mixed Commissions, to be established under the provisions of this Treaty, are to be supplied.

Re-insert. P.
This is desirable for both Parties. P.

ARTICLE VIII.

If the Commanding Officer of any of the ships of the Royal Navies of Great Britain and Portugal respectively, duly commissioned according to the provisions of the IInd Article of this Treaty, shall deviate, in any respect, from the stipulations of the said Treaty, or from the instructions annexed to it; the Government which shall conceive itself to be wronged thereby shall be entitled to demand reparation; and in such case, the Government to which such Commanding Officer may belong binds itself to cause inquiry to be made into the subject of

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into the subject of the complaint, and to inflict upon the said Officer a punishment, proportioned to any wilful transgression which he may have committed.

ARTICLE XI.

It is hereby further mutually agreed, that every Merchant vessel, British or Portuguese, which shall be visited, by virtue of the present Treaty, may lawfully be detained and be sent or brought before the Mixed Courts^a of Justice, established in pursuance of the provisions thereof, if, in her equipment, there shall be found any of the things hereinafter-mentioned, namely:

First. Hatches with open gratings instead of the close hatches, which are usual in Merchant vessels.

Secondly. Divisions or bulk-heads, in the hold or on deck, in a greater number than are necessary for vessels engaged in lawful trade.

Thirdly. Spare plank fitted for being laid down as a second or slave deck.

Fourthly. Shackles, bolts, or handcuffs.

Fifthly. A larger quantity of water, in casks or in tanks, than is requisite for the consumption of the crew of the vessel as a Merchant vessel.

Sixthly. An extraordinary number of water-casks, or of other vessels for holding liquid, unless the master shall produce a certificate from the Custom-house at the place from which he cleared outwards, stating that a sufficient security had been given by the owners of such vessel, that such extra quantity of casks or of other vessels, should only be used for the reception of Palm oil, or for other purposes of lawful commerce.

Seventhly. A greater quantity of mess-tubs or kids than are requisite for the use of the crew of the vessel as a Merchant vessel.

Eighthly. A boiler of an unusual size, and larger than requisite for the use of the crew of the vessel as a Merchant-vessel; or more than one boiler of the ordinary size.

Ninthly. An extraordinary quantity either of rice,^b of the flour of Brazil manioc, or cassada, commonly called farinha, of maize,^c of Indian corn, or of any other article of food whatever, beyond what might probably be requisite for the use of the crew, such rice, flour, maize, Indian corn, or other article of food, not being entered on

^a *Altered to Commissions.*

^b *The word or added.*

^c *Word or added.*

Remarks.

Passages as they are now to stand.

the complaint, and to inflict upon the said Officer a punishment, proportioned to any wilful transgression which he may have committed.

ARTICLE IX.

It is hereby further mutually agreed, that every vessel, British or Portuguese, which shall be visited by virtue of the present Treaty, may lawfully be detained, and may be sent or brought before one of the Mixed Commissions, established in pursuance of the provisions thereof, if, in her equipment, there shall be found any of the things hereinafter mentioned, namely:

First. Hatches with open gratings instead of the close hatches, which are usual in merchant vessels.

Secondly. Divisions or bulk heads, in the hold or on deck, more numerous than are necessary for vessels engaged in lawful trade.

Thirdly. Spare plank fitted for being laid down as a second or slave deck.

Fourthly. Shackles, bolts, or handcuffs.

Fifthly. A larger quantity of water, in casks or in tanks, than is requisite for the consumption of the crew of the vessel as a merchant vessel.

Sixthly. An extraordinary number of water casks, or of other vessels for holding liquid, unless the master shall produce a certificate from the Custom-house at the place from which he cleared outwards, stating that a sufficient security had been given by the owners of such vessel, that such extra quantity of casks or of other vessels, should only be used for the reception of Palm oil, or for other purposes of lawful commerce.

Seventhly. A greater quantity of mess tubs or kids, than are requisite for the use of the crew of the vessel as a merchant vessel.

Eighthly. A boiler of an unusual size, and larger than requisite for the use of the crew of the vessel as a merchant vessel; or more than one boiler of the ordinary size.

Ninthly. An extraordinary quantity either of rice, or of the flour of Brazil manioc, or cassada, commonly called farinha, of maize, or of Indian corn, or of any other article of food whatever, beyond what might probably be requisite for the use of the crew; such rice, flour, maize, Indian corn, or other article

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the manifest as part of the cargo for trade.

Tenthly, A quantity of mats or matting, larger than is necessary for the use of the crew of the vessel as a merchant vessel.

Any one or more of these several circumstances, if proved, shall be considered as *prima facie* evidence of the actual employment of the vessel in the Slave Trade; and the vessel shall thereupon be condemned, and be declared lawful prize, unless it be^d established by satisfactory evidence on the part of the master or owners,* that such vessel was, at the time of her detention or capture, employed on^t some legal pursuit, *and that such of the several things above enumerated, as were found on board of her at the time of her detention, or had been put on board of her on the voyage on which the vessel when captured was proceeding, were needed for legal purposes on that particular voyage.*

ARTICLE XII.

If any of the things specified in the preceding Article shall be found in any Merchant vessel, no compensation for losses, damages, or expenses, consequent upon the detention of such vessel, shall, in any case, be granted, either to her master or to her owner, or to any other person interested in her equipment or lading, even though the mixed *Court of Justice*^a should not pronounce any sentence of condemnation in consequence of her detention.^b

^d omitted.

^e *words* shall establish *added*.

^t altered to in.

^s omitted.

^a altered to Commission.

^b *these words are added*, but the same Mixed Commission shall be authorized to pay out of the Prize Fund, if they shall think it in equity required, some sum of money proportionate to the demurrage suffered, and according to the circumstances of the case.

Remarks.	Passages as they are now to stand.
Add the printed words omitted in the manuscript draft.	of food, not being entered on the manifest, as part of the cargo for trade.
P.	<i>Tenthly.</i> A quantity of mats or matting, larger than is necessary for the use of the crew of the vessel as a merchant vessel.
	Any one or more of these several circumstances, if proved, shall be considered as <i>prima facie</i> evidence of the actual employment of the vessel in the transport of Negroes or others for the purpose of consigning them to slavery; and the vessel shall thereupon be condemned, and shall be declared lawful prize, unless it be established by satisfactory evidence on the part of the master or owners, that such vessel was, at the time of her detention or capture, employed on some legal pursuit, and that such of the several things above enumerated, as were found on board of her at the time of her detention, or had been put on board of her on the voyage on which, when captured, she was proceeding, were needed for legal purposes on that particular voyage.
	ARTICLE X.
	If any of the things specified in the preceding Article shall be found in any vessel, which is detained under the stipulations of this Treaty, no compensation for losses, damages, or expenses, consequent upon the detention of such vessel, shall in any case be granted either to her master or to her owner, or to any other person interested in her equipment or lading, even though the Mixed Commission should not pronounce any sentence of condemnation in consequence of her detention.
^b There are objections to the proposed addition to this Article.	
If a case of equipment comes to arbitration, and the arbitrator decides for the release, it will be doubly hard on the captor to have demurrage to pay. The circumstance of demurrage being allowed or forbidden by Treaty in these cases, may also have weight in encouraging or deterring undertakings of Slave Trade.	
The Prize Fund alluded to, out of which demurrage is to be paid, can be no other than the amount of sale of prizes. That amount is divided between the two Governments; but in each case Great Britain gives its moiety to the captor. No Prize Fund therefore exists for Great Britain.	
For the above reasons the proposed addition is omitted.	
P.	
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ARTICLE XIII.

It is hereby agreed between the two High Contracting Parties, that in all cases in which a vessel shall be detained under this Treaty, by their respective cruisers, as having been engaged in the Slave Trade, or as having been fitted out for the purposes thereof, and shall consequently be adjudged and condemned by the mixed *Courts of Justice*,^a to be established as aforesaid, the said vessel shall, immediately after its^b condemnation, be broken up entirely, and shall be sold in separate parts, after having been so broken up.

^a *altered to Commissions.*

^b *the word its omitted.*

This is a new Stipulation proposed by Portugal.

ARTICLE X.

On any vessel having been declared good prize by either of the Mixed Commissions, the captain, pilot, crew, and passengers, found on board of the said vessel, shall be immediately placed at the disposal of the High Contracting Party under whose flag the said vessel was navigating at the time of her capture, to be tried and punished according to the laws of the country; in the like manner, the owner of the vessel, those persons interested in the expedition and cargo, and their several agents, shall be tried and punished, unless they can prove that they took no part in that infraction of the present Treaty, owing to which the vessel was condemned.

ARTICLE XIV.

Each^a of the two High Contracting Parties most solemnly binds itself to guarantee the liberty of the Negroes who may be emancipated, under the present Treaty, by the mixed Court of Justice, sitting within the Colonies or Possessions of such Government; and to afford from time to time, and whenever it may be demanded by the other party, or by the members of the mixed Court of Justice by whose sentence the Slaves shall have been liberated, the fullest information as to the state and condition of such Negroes, with a view of ensuring the due execution of the Treaty in this respect.

For this purpose the regulations annexed to this Treaty, *sub litterâ C*, as to the treatment of Negroes liberated by

^a *altered to Those Slaves, the objects of the prohibited traffic, being by the laws of both countries declared free, the two High Contracting Parties mutually engage to devote all their care and attention to their being treated in their respective dominions, in strict conformity to those laws and regulations which have therein already been enacted, or which shall in future be promulgated, for this purpose, the humane object of which laws has been, and always shall be, that of rendering more perfect, and securing faithfully to the liberated negroes—*

1st. The enjoyment of their liberty, and good treatment.

2nd. Education in the principles of the Christian religion, and their advancement in morality and civilization.

3rd. Sufficient instruction in the mechanical arts to enable them to provide

Remarks.

Passages as they are now to stand.

ARTICLE XI.

It is hereby agreed between the two High Contracting Parties, that in all cases in which a vessel shall be detained under this Treaty, by their respective cruisers, as having been engaged in transporting negroes or others, for the purpose of consigning them to slavery, or as having been fitted out with that view, and shall consequently be adjudged and condemned by the Mixed Commissions to be established as aforesaid, the said vessel shall, immediately after condemnation, be broken up entirely, and shall be sold in separate parts, after having been so broken up.

ARTICLE XII.

When any vessel shall have been declared good prize by one of the Mixed Commissions, the captain, pilot, crew, and passengers, found on board of the said vessel, shall be immediately placed at the disposal of the Government of the country, under whose flag the said vessel was navigating at the time of her capture, to be tried and punished according to the laws of that country; in the like manner, the owner of the vessel, the persons interested in the equipment and cargo, and their several agents, shall be tried and punished, unless they can prove that they took no part in that infraction of the present Treaty, on account of which the vessel was condemned.

This is an improvement, and may be adopted.

P.

ARTICLE XIII.

Each of the two High Contracting Parties most solemnly binds itself to guarantee the liberty of the negroes, who may be emancipated under the present Treaty by the Mixed Commissions, sitting within the Colonies or Possessions of such Government; and to afford from time to time, and whenever demanded by the other party, or by the members of the Mixed Commissions, by whose sentence the slaves shall have been liberated, the fullest information as to the state and condition of such negroes, with a view of ensuring the due execution of the Treaty in this respect.

For this purpose the regulations annexed to this Treaty, *sub litterâ C*, as to the treatment of negroes liberated by sentence of the Mixed Commissions, have been drawn up, and are declared to form an integral part of this Treaty: the

The printed version must stand.

P.

This new version is inadmissible; its chief object appearing to be to elude the positive engagement contained in the printed version, that each Government solemnly guarantees the liberty of the slaves emancipated by the Mixed Commission.

The intention of the British Government is, that all slaves captured and emancipated should really become free. The object of the Portuguese Government in framing the proposed alterations seems to be, that such slaves as may be nominally emancipated within its Colonies shall continue to be slaves; and thus the effect of the Treaty would, in a great measure, be to legalize a large importation of slaves annually into the Portuguese Colonies.

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sentence of the mixed *Courts^a of Justice*, have been drawn up, and are declared to form an integral part of *this^b Treaty: the^c two High Contracting Parties reserving to themselves the right to alter by common consent and mutual agreement, but not otherwise, the terms and tenour of such regulations.*

ARTICLE XV.

The Acts or Instruments annexed to this Treaty, and which, it is mutually agreed, shall form an integral part thereof, are as follows:

A. Instructions for the ships of the Royal Navies of both nations, destined to prevent the Traffic in Slaves.

B. Regulations for the mixed *Courts of Justice^a which^b are to hold their sittings on the Coast of Africa, and in one of the Colonial Possessions of Her Majesty the Queen of Portugal and the Algarves.*

C. Regulations as to the treatment of liberated Negroes.

for their own subsistence as artisans, mechanics, and servants.

For this purpose the Regulations annexed to this Treaty, *sub litterâ C*, as to the treatment of negroes liberated by sentence of the Mixed Commission, have been drawn up, and are declared to form an integral part of the Treaty.

^a altered to Commission.

^b altered to the.

^c omitted.

^a altered to Commissions.

^b omitted.

This is a new stipulation proposed by Portugal.

ARTICLE XIII. 1

It is hereby agreed, that either of the two High Contracting Parties shall have the right, at the end of ten years, to require a revision of any Stipulations of this Treaty, and its Annexes, not affecting its principle, as laid down in Article I., and of then proposing, discussing, and making such amendments or additions, as the real interests of their respective subjects may seem to require; it being understood, that any stipulation which shall at that time be objected to by either of the two High Contracting Parties, shall be considered as suspended in its operation, until the discussion concerning that stipulation shall be terminated by common consent.

ARTICLE XVI.

The present Treaty, consisting of *sixteen^a Articles, ^b shall be ratified, and the*

^a altered to fifteen.

^b words added, from the date of its

Remarks.	Passages as they are now to stand.
<p>I have altered several passages, which, taken together, would have this result ; and those alterations must be considered by Mr. Jerningham as a <i>sine quâ non</i>. P.</p>	<p>two High Contracting Parties reserving to themselves the right to alter, by common consent and by mutual agreement, but not otherwise, the terms and tenor of such regulations.</p>

ARTICLE XIV.

The Acts or Instruments annexed to this Treaty, and which, it is mutually agreed, shall form an integral part thereof, are as follows :

A. Instructions for the ships of the Royal Navies of both nations, employed to prevent the transport of Negroes and others for the purpose of consigning them to slavery.

B. Regulations for the Mixed Commissions.

C. Regulations as to the treatment of liberated Negroes.

Inadmissible.

P.

ARTICLE XV.

The present Treaty, consisting of fifteen Articles, shall be ratified, and the ratifications thereof shall be ex-

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ratifications thereof exchanged within the space of *one*^c month^d from this date, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed, in duplicate originals, English and Portuguese, the present Treaty, and have thereunto affixed the seal of their arms.

Done at
this day of
in the year of Our Lord 183

(L.S.)

(L.S.)

ANNEX A.

To the Treaty between Great Britain and Portugal for the abolition of the Slave Trade of Portugal^a of the
of 183 .

^a omitted.

Instructions for the ships of the British and Portuguese Royal Navies, employed to prevent the Traffic in Slaves.

Annex A.—ARTICLE I.

The Commander of any ship belonging to the Royal British or Portuguese Navy, *who*^a shall be furnished with these Instructions, shall have a right to visit, search, and detain^b any British or Portuguese merchant-vessel, which shall be actually engaged, or shall be suspected to be engaged, in the Slave

ratification shall supersede all former stipulations in earlier conventions concluded between the two High Contracting Parties, the object of which has been to regulate and suppress the traffic in Slaves.

It shall come into operation on the east coast of Africa in six months, and on the west coast of Africa in four months, from the above date.

It is however distinctly understood, that nothing contained in this Treaty shall be considered as invalidating the engagements, contracted in the ancient Treaties of alliance, friendship, and guarantee, which have so long and so happily subsisted between the Crowns of Portugal and of Great Britain, as renewed and acknowledged to be of full force and effect by IIIrd Article of the Treaty of 22nd January, 1815.

^c altered to six.

^d letter s added.

^a altered to which.

^b within the limits stipulated in the IIInd Article of the Treaty inserted.

Remarks.	Passages as they are now to stand.
Inadmissible.	
P.	changed in London as soon as possible, within the space of four weeks. In witness whereof the respective Plenipotentiaries have signed, in duplicate originals, English and Portuguese, the present Treaty, and have thereunto affixed the seal of their arms.
Unnecessary.	Done at this day of in the year of Our Lord 183
This Treaty has no bearing upon the ancient Treaties here quoted: this passage would imply, that this Treaty was of a like nature with the ancient Treaties of alliance, friendship, and guarantee, which it is not. The passage, therefore, cannot be admitted.	(L.S.) (L.S.)
P.	

ANNEX A.

To the Treaty between Great Britain and Portugal, for the abolition of the Slave Trade of Portugal of the _____ *183 .*

Instructions for the ships of the British and Portuguese Royal Navies, employed to prevent the Traffic in Slaves.

Annex A.—ARTICLE I.

The Commander of any ship belonging to the Royal British or Portuguese Navy, who shall be furnished with these Instructions, shall have a right to visit, search, and detain, except within the limits excepted in the IInd Article of the Treaty, any British or Portuguese vessel, which shall be actually engaged

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<p>Trade, or to be fitted out for the purposes thereof, or to have been engaged in the Traffic in Slaves during the voyage ^c in which she may be met with by such ship of the British or Portuguese Navy, and such Commander shall thereupon bring or send such merchant-vessel, as soon as possible, for judgment before that one of the two Mixed Courts ^d of Justice, established in virtue of the <i>VIIth</i> ^e Article of the said Treaty, which shall be the nearest to the place of detention, or which such Commander shall, upon his own responsibility, think can be soonest reached from such place.</p>	<p>^c altered to on.</p> <p>^d altered to Commissions. ^e altered to VIth.</p>
<p><i>Annex A.—ARTICLE II.</i></p>	
<p>Whenever a ship of either of the Royal Navies, duly authorized as aforesaid, shall meet a merchant-man^a liable to be visited under the provisions of the said Treaty, the search shall be conducted in the mildest manner, and with every attention which ought to be observed between allied and friendly nations; and the search shall, in all cases, be made by an Officer holding ^a a rank not lower than that of Lieutenant in the Navies of Great Britain and Portugal respectively [unless the command shall, ^b by reason of death or otherwise, be held by an officer of inferior rank], or by the officer who, at the time, shall be second in command of the ship by which such search is made.</p>	<p>^a altered to vessel.</p> <p>^a altered to the.</p> <p>^b omitted.</p>
<p><i>Annex A.—ARTICLE III.</i></p>	
<p>The Commander of any ship of the two Royal Navies, duly authorized, as aforesaid, who may detain any merchant-vessel in pursuance of the tenor of the present Instructions, shall ^a leave on board the vessel so detained, the master, the mate, or boatswain, and two or three at least of the crew thereof; the whole of the Slaves, if any; and all the Cargo.</p>	<p>^a omitted.</p>
<p><i>The Captor shall</i>, at the time of detention, draw up, in writing, an authentic declaration, which shall exhibit the state in which he found the detained vessel; <i>such</i> ^b declaration shall be signed by himself, and shall be given in, or sent, together with the captured vessel, to the Mixed Court ^c of Justice, before which such vessel shall be carried or sent for adjudication.</p>	<p>^b altered to which.</p> <p>^c altered to Commission.</p>
<p>He shall deliver to the master of the</p>	

Remarks.

Passages as they are now to stand.

or shall be suspected to be engaged, in transporting negroes or others for the purpose of consigning them to slavery, or to be fitted out with such view, or to have been so employed during the voyage in which she may be met with by such ship of the British or Portuguese Navy; and such Commander shall, thereupon, bring or send such vessel, as soon as possible, for judgment before that one of the Mixed Commissions established in virtue of the VIth Article of the said Treaty, which shall be the nearest to the place of detention, or which such Commander shall, upon his own responsibility, judge can be soonest reached from such place.

Annex A.—ARTICLE II.

Whenever a ship of either of the Royal Navies, duly authorized as aforesaid, shall meet a vessel liable to be visited under the provisions of the said Treaty, the search shall be conducted in the mildest manner, and with every attention which ought to be observed between allied and friendly nations; and the search shall, in all cases, be made by an Officer holding a rank not lower than that of Lieutenant in the Navies of Great Britain and Portugal respectively, unless the command shall, by reason of death or otherwise, be held by an officer of inferior rank, or unless the officer who makes the search shall at the time be second in command of the ship by which such search is made.

Annex A.—ARTICLE III.

The Commander of any ship of the two Royal Navies, duly authorized, as aforesaid, who may detain any vessel in pursuance of the tenor of the present Instructions, shall, at the time of detention, draw up in writing an authentic declaration, which shall exhibit the state in which he found the detained vessel; which declaration shall be signed by himself, and shall be given in, or sent, together with the captured vessel, to the Mixed Commission, before which such vessel shall be carried or sent for adjudication.

He shall deliver to the master of the detained vessel a signed certificate of the papers seized on board the same, as well as of the number of slaves found on board at the moment of detention.

In the authenticated declaration, which

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detained vessel a signed certificate of the papers seized on board the same, as well as of the number of Slaves found on board at the moment of detention.

In the authenticated declaration, which the Captor is hereby required to make, as well as in the certificate of the papers seized, he shall insert his own name, the name of the capturing ship, the latitude and longitude of the place where the detention shall have taken place, and the number of slaves found on board of the vessel at the time of the detention.

The Officer in charge of the vessel detained shall, at the time of bringing the vessel's papers into the Mixed Court of Justice,^d deliver into the Court a paper, signed by himself, and verified on oath, stating *any*^e changes which *may*^f have taken place in respect to the vessel, her crew, the Slaves (if any), and her cargo, between the period of her detention, and the time of delivering in such paper.^g

Annex A.—ARTICLE IV.

"The Slaves shall *not* be^b *disem-*

barked till after the^e *vessel which contains*^d *them shall have*^e *arrived at the*

place of adjudication ; in^f *order that, in the event of her not being adjudged legal prize, the loss of the proprietors may be more easily repaired ; and even after the arrival of the Slaves at such place, they are not to be landed without the permission of the Mixed Court of Justice.*

But if urgent reasons deduced from^g the length of the voyage, the state of health of the Slaves, or from other causes, should require that either the whole or a portion of the Negroes should be disembarked before the vessel can arrive at the place at which one of the said Courts is established, the Commander of the capturing ship may take upon himself the responsibility of so disembarking the Negroes, provided that such necessity and the causes thereof be stated in a certificate in proper form, and that this certificate be drawn up and be entered at the

^d *altered to Commission.*

^e *altered to the.*

^f *omitted.*

^g *letter s added.*

^a *words* No person or any part of the cargo or of (*the slaves*) found on board the vessel seized *added.*

^b *altered to be withdrawn from it.*

^c *word said added.*

^d *omitted.*

^e *altered to been delivered over to one of the Mixed Commissions.*

^f *omitted.*

^g *altered to unless the transfer of the whole or part of the crew, or of the slaves found on board, should be considered necessary either to preserve their lives, or for any other humane consideration, or for the safety of those charged with the conduct of the vessel after its seizure, in which case the Commander of the cruizer, or the officer charged with the said seized vessel, shall draw out a certificate, in which he will declare the reasons of the said transfer; and the commanders, sailors, passengers, or slaves, thus transferred shall be conducted to the same port as the vessel and its cargo; and the surrender of them as well as the receipt of them shall*

Remarks.	Passages as they are now to stand.
	<p>the captor is hereby required to make, as well as in the certificate of the papers seized, he shall insert his own name, the name of the capturing ship, the latitude and longitude of the place where the detention shall have been made, and the number of slaves found on board the vessel at the time of the detention.</p> <p>The officer in charge of the vessel detained shall, at the time of bringing the vessel's papers before the Mixed Commission, deliver into the Court a paper, signed by himself, and verified on oath, stating any changes which may have taken place in respect to the vessel, her crew, the slaves (if any), and her cargo, between the period of her detention and the time of delivering in such papers.</p>

*This implies that a *slave* is not a *person*.

P.

Annex A.—ARTICLE IV.

No part of the crew or passengers, or of the cargo, or of the slaves found on board the vessel seized, shall be withdrawn from it, until the said vessel shall have been delivered over to one of the Mixed Commissions, unless the transfer of the whole or part of the crew or passengers, or of the whole or part of the slaves found on board, should be considered necessary, either to preserve their lives, or for any other humane consideration, or for the safety of the persons charged with the conduct of the vessel after its seizure; in which case the Commander of the cruizer, or the officer charged with the said seized vessel, shall draw out a certificate in which he shall declare the reasons of the said transfer: and the Commanders, sailors, or passengers thus transferred shall be conducted to the same port as the vessel and its cargo.

The Portuguese alteration enjoins that the Slaves thus landed shall afterwards be taken to the place of adjudication.

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<i>time on the log-book of the detained vessel.^b</i>	take place in the same manner as that of the vessel. ^b <i>following passage added :</i> No Commander of any cruizer shall be authorized to land any individuals found on board the captured vessel, of whatever colour they may be, whether slaves or freemen, on any part of the territories of the Crown of which the said Commander is not a subject, without having previously obtained a written permission to that effect, from the principal local authority of the country at the proposed place of disembarkation.

The undersigned Plenipotentiaries have agreed in conformity with the XVth Article of the Treaty, signed by them on this day, the
of , that the preceding Instructions, consisting of four Articles, shall be annexed to the said Treaty, and be considered an integral part thereof.

The day of
183 .

(L.S.)

(L.S.)

ANNEX B.

*To the^a Treaty between Great Britain and Portugal, for the abolition of the Slave Trade of Portugal, of the
of 183 .*

^a *omitted.*

Regulations for the Mixed Courts^b of Justice which are to adjudge the cases of Vessels under the Treaty between Great Britain and Portugal of

^b *altered to Commissions.*

Annex B.—ARTICLE I.

The Mixed Courts^a of Justice to be established under the provisions of the Treaty, of which these Regulations are

^a *altered to Commissions.*

Remarks.

Passages as they are now to stand.

Supposing the Slaves to be landed at Trinidad, and the vessel to be adjudged at Sierra Leone or Loanda, the Slaves must, by this alteration, be afterwards transferred to Sierra Leone or Loanda. Great inconvenience is likely to arise from such a regulation. The word "Slaves" is consequently to be omitted.

P.

^aThis cannot be acceded to: it is a matter of internal police, and not of Treaty stipulation.

The undersigned Plenipotentiaries have agreed in conformity with the XIVth Article of the Treaty, signed by them on this day, the
of 183 , that the preceding Instructions, consisting of four Articles, shall be annexed to the said Treaty, and shall be considered an integral part thereof.

The day of
183 .

(L.S.)

(L.S.)

ANNEX B.

Regulations for the Mixed Commissions which are to adjudge the cases of Vessels under the Treaty between Great Britain and Portugal of the

^bWith reference to the word "Commissions," inserted instead of the words "Courts of Justice," and with reference to the word "Commissioner," inserted instead of the word "Judge,"—

Mr. Jerningham will bear in mind that, if the Portuguese Government will not ratify without referring to Cortes, Mr. Jerningham is to insist upon the reinsertion of the title of "Judge," and is to call the Commissions "Courts of Justice."

P.

Annex B.—ARTICLE I.

The Mixed commissions to be established under the provisions of the Treaty of which these Regulations are

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declared to be an integral part, shall be composed in the following manner. Each of the *two*^b High Contracting Parties shall name a *Judge*^c and an arbitrator, who shall be authorized to hear, and to decide without appeal, all cases of the capture or detention of vessels, which, in pursuance of the stipulations of the aforesaid Treaty, shall be brought before them. The *judges*^d and the arbitrators shall, before entering upon the duties of their office, respectively make oath before the principal Magistrate of the places in which such *Courts*^e respectively shall reside, that they will judge fairly and faithfully; that they will have no preference either for the claimants or the captors, and that they will act in all their decisions, in pursuance of the stipulations of the aforesaid Treaty.

There shall be attached to each of such *Courts*^f a Secretary or Registrar, who shall be appointed by the Sovereign in whose Territories such *Court*^g shall reside; such Secretary or Registrar shall register all the acts of such *Court*; ^h and shall, previously to entering upon his office, make oath before the *Court*ⁱ to which he is appointed, that he will conduct himself with due respect for its authority, and will act with fidelity and impartiality in all matters relating to his said office.

The salary of the Secretary or Registrar of the *Court*,^j to be established in the Dominions of Her Britannic Majesty, shall be paid^k by Her Britannic Majesty; and that of the Secretary or Registrar of the *Court*,^l to be established in the Colonial Possessions of Portugal, shall be paid by Her Most Faithful Majesty.

Each of the Governments shall defray half of the aggregate amount of the incidental expenses of such *Courts*.¹

Annex B.—ARTICLE II.

The expenses incurred by the officer charged with the reception, maintenance, and care of the detained vessel, slaves, and cargo, and with the execution of the sentence, and all disbursements occasioned by bringing a vessel to adjudication, shall, in case of condemnation, be defrayed from the funds arising from the sale^a of the materials of the vessel, after the same shall have been broken up; of the ship's^b stores; and of such parts^c of the cargo as shall consist of merchandize: and, in case the proceeds arising from this sale should not prove

^b *the word two omitted.*
^c *altered to Commissioner.*

^d *altered to Commissioners.*

^e *altered to Commissions.*

^f *altered to Commissions.*

^g *altered to Commission.*

^h *altered to Commission.*

ⁱ *altered to Commission.*

^j *altered to Commission.*

^k *omitted.*

^l *altered to Commission.*

¹ *altered to Commissions.*

^a *omitted.*

^b *altered to vessel's.*

^c *omitted.*

Remarks.

Passages as they are now to stand.

declared to be an integral part, shall be composed in the following manner. Each of the two High Contracting Parties shall name a commissioner and an arbitrator, who shall be authorised to hear and to decide without appeal, all cases of the capture or detention of vessels, which, in pursuance of the stipulations of the aforesaid Treaty, shall be brought before them. The commissioners and the arbitrators shall, before entering upon the duties of their office, respectively make oath before the principal Magistrate of the places in which such Commissions respectively shall reside, that they will judge fairly and faithfully; that they will have no preference either for the claimants or the captors, and that they will act in all their decisions, in pursuance of the stipulations of the aforesaid Treaty.

There shall be attached to each of such Commissions a Secretary or Registrar, who shall be appointed by the Sovereign in whose territories such Commission shall reside; such Secretary or Registrar shall register all the acts of such Commission; and shall, previously to entering upon his office, make oath before the Commission to which he is appointed, that he will conduct himself with due respect for its authority, and will act with fidelity and impartiality in all matters relating to his said office.

The salary of the Secretary or Registrar of the Commissions which are to be established in the dominions of Her Britannic Majesty, shall be paid by Her said Majesty; and that of the Secretary or Registrar of the Commissions which are to be established in the colonial possessions of Portugal shall be paid by Her Most Faithful Majesty.

Each of the Governments shall defray half of the aggregate amount of the incidental expenses of such Commissions.

Annex B.—ARTICLE II.

The expenses incurred by the officer charged with the reception, maintainance, and care, of the detained vessel, slaves, and cargo, and with the execution of the sentence; and all disbursements occasioned by bringing a vessel to adjudication; shall, in case of condemnation, be defrayed from the funds arising from the sale of the materials of the vessel, after the same shall have been broken up; of the vessel's stores; and of such part of the cargo as shall consist of merchandize; and, in case the proceeds arising from this sale should not prove

It is necessary to reinsert "sale" in the former sentence, in order that the passage may be grammatical.

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sufficient to defray such expenses, the deficiency shall be made good by the Government of the country, within whose Territories the adjudication shall have taken place.

If the detained *vessel*^d *shall*^e be released, the expenses occasioned by bringing her to adjudication shall be defrayed by the Captor, excepting in the cases specified and otherwise provided for, under Article XII of the Treaty to which these Regulations form an Annex, and under Article VII. of *these*^f Regulations.

Annex B.—ARTICLE III.

The Mixed *Courts*^a of Justice are to decide upon the legality of the detention of such vessels as the cruizers of either Nation shall, in pursuance of the said Treaty, detain.

~~These~~ These *Courts*^b shall judge definitively, and without appeal, all questions which shall arise out of the capture and detention of such vessels.

The proceedings of these *Courts*^c shall take place with as little delay as possible; and, for this purpose, the *Courts*^d are required to decide^e each case, as far as may be practicable, within the space of twenty days, to be dated from the day on which the detained vessel shall have been brought into the port, where the deciding *Court*^f shall reside.

The final sentence shall not, in any case, be delayed beyond the period of two months, *either*^g on account of the absence of witnesses, or for any other cause; except upon the application of any of the parties interested; in which case, upon such party or parties giving satisfactory security that they will take upon themselves the expense and risks^h of the delay, the *Courts*ⁱ may, at their discretion, grant an additional delay, not exceeding four months. Either party shall be allowed to employ such counsel as he may think fit, to assist him in the conduct of his cause.

All the essential parts of the proceedings of the said *Courts*^j shall be written down in the language of the country in which the *Courts*^k shall respectively reside.

Annex B.—ARTICLE IV.

The form of the process shall be as follows:—

The *judges*^a appointed by the two

^d altered to ship.

^e omitted.

^f the word these altered to the.

altered to Commissions.

^b altered to Commissions.

^c altered to Commissions.

^d altered to Commissions.

^e the word in added.

^f altered to Commission.

altered to whether.

^h letter s omitted.

ⁱ altered to Commissions.

^j altered to Commissions.

^k altered to they.

^a altered to Commissioners.

Remarks.	Passages as they are now to stand.
	<p>sufficient to defray such expenses, the deficiency shall be made good by the Government of the country within whose territories the adjudication shall have taken place.</p> <p>If the detained vessel shall be released, the expenses occasioned by bringing her to adjudication shall be defrayed by the captor, excepting in the cases specified and otherwise provided for, under Article X. of the Treaty to which these Regulations form an Annex, and under Article VII. of these Regulations.</p> <p style="text-align: center;"><i>Annex B.—ARTICLE III.</i></p> <p>The Mixed Commissions are to decide upon the legality of the detention of such vessels as the cruisers of either Nation shall, in pursuance of the said Treaty, detain.</p> <p>These Commissions shall judge, definitively and without appeal, all questions which shall arise out of the capture and detention of such vessels.</p> <p>The proceedings of these Commissions shall take place with as little delay as possible; and for this purpose, the Commissions are required to decide in each case, as far as may be practicable, within the space of twenty days, to be counted from the day on which the detained vessel shall be brought into the port, where the deciding Commission shall reside.</p> <p>The final sentence shall not, in any case, be delayed beyond the period of two months, either on account of the absence of witnesses, or for any other cause; except upon the application of any of the parties interested; in which case, upon such party or parties giving satisfactory security, that they will take upon themselves the expense and risk of the delay, the Commissions may, at their discretion, grant an additional delay, not exceeding four months. Either party shall be allowed to employ such Counsel as he may think fit, to assist him in the conduct of his cause.</p> <p>All the essential parts of the proceedings of the said Commissions shall be written down, in the language of the country in which the Commissions shall respectively reside.</p> <p style="text-align: center;"><i>Annex B.—ARTICLE IV.</i></p> <p>The form of the process shall be as follows.</p> <p>The Commissioners appointed by the two Governments respectively, shall, in</p>

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Nations respectively, shall, in the first place, examine the papers of the detained vessel, and take the depositions of the master or commander and two or three, at least, of the principal individuals on board of such vessel; as well as the declaration, on oath, of the Captor, should such declaration appear necessary, in order to enable them to judge and to pronounce, whether the said vessel has been justly detained or not, according to the stipulations of the aforesaid Treaty; and in order that the vessel may be condemned or released *accordingly*.^b

In the event of the two *judges*^c not agreeing as to the sentence which they ought to pronounce in any case brought before them; either with respect to the legality of the detention, the liability of the vessel to condemnation, or the indemnification to be allowed, or as to any other question which may arise out of the said capture; or any difference of opinion should arise between them, as to the mode of proceeding in the said *Court*,^d they shall draw by lot the name of one of the two arbitrators so appointed as aforesaid, which arbitrator, after having considered the proceedings which have taken place, shall consult with the two above-mentioned *judges*,^e and the final sentence or decision shall be pronounced, conformably to the opinion of the majority of the three.

Annex B.—ARTICLE V.

If the detained vessel shall be restored by the sentence of the *Court*,^a the vessel and the cargo, in the state in which they shall then be found, shall forthwith be given up to the master, or to the person who represents him; and such master or other person may, before the same *Court*,^b claim a valuation of the damages, which he may have a right to demand. The Captor himself, and, in his default, his Government, shall remain responsible for the damages to which the master of such vessel, or the owners of the vessel, or of her cargo, may be pronounced to^c be entitled.

The two High Contracting Parties bind themselves to pay, within the term of a year from the date of the sentence, the costs and damages which may be awarded by the above *named*^d *Court*; it being mutually understood and agreed, that such costs and damages shall be made good by the Government of the country of which the Captor shall be a subject.

^b *the word accordingly omitted.*

^c *altered to Commissioners.*

^d *altered to Commission.*

^e *altered to Commissioners.*

^a *altered to Commission.*

^b *altered to Commission.*

^c *the words to be omitted.*

^d *altered to mentioned Commissions.*

Remarks.

Passages as they are now to stand.

the first place, examine the papers of the detained vessel, and take the depositions of the master or commander, and two or three, at least, of the principal individuals on board of such vessel; as well as the declaration on oath of the captor, should such declaration appear necessary, in order to enable them to judge and to pronounce whether the said vessel has been justly detained or not, according to the stipulations of the aforesaid Treaty; and in order that the vessel may be condemned or released accordingly.

In the event of the two Commissioners not agreeing as to the sentence which they ought to pronounce in any case brought before them; either with respect to the legality of the detention, the liability of the vessel to condemnation, or the indemnification to be allowed, or as to any other question which may arise out of the said capture; or if any difference of opinion should arise between them, as to the mode of proceeding in the said Commission, they shall draw by lot the name of one of the two arbitrators so appointed as aforesaid, which arbitrator, after having considered the proceedings which have taken place, shall consult with the two above-mentioned Commissioners, and the final sentence or decision shall be pronounced, conformably to the opinion of the majority of the three.

Annex B.—ARTICLE V.

If the detained vessel shall be restored by the sentence of the Commission, the vessel and her cargo, in the state in which they shall then be found, shall forthwith be given up to the master, or to the person who represents him; and such master or other person may, before the same Commission, claim to have a valuation made of the amount of the damages which he may have a right to demand. The captor himself, and, in his default, his Government, shall remain responsible for the damages to which the master of such vessel, or the owners of the vessel, or of her cargo, may be pronounced to be entitled.

The two High Contracting Parties bind themselves to pay, within the term of a year from the date of the sentence, the costs and damages which may be awarded by the above-mentioned Commission; it being mutually understood and agreed, that such costs and damages shall be made good by the Government of the country of which the captor shall be a subject.

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Annex B—ARTICLE VI.

If the detained vessel shall be condemned, she shall be declared lawful prize, together with her cargo, of *whatever*^a description it may be, with the exception of the Slaves who shall have been brought on board for the purposes^b of commerce; and the said vessel, in conformity with the regulations in Article XIII of the Treaty of this date, shall, as well as her cargo, be sold by public sale, for the profit of the two Governments, subject to the payment of the expenses herein-before mentioned.

The Slaves shall receive from the Court^c a Certificate of Emancipation, and shall be delivered over to the Government, to^d whom belongs the cruiser which made the capture, to be dealt with according to the regulations and conditions contained in the Annex to this Treaty, *sub litterâ C*.

The charges incurred for the support and for the return voyage of the commanders^e and crews of condemned vessels shall be defrayed by the Government of which such commanders^f and crews are the subjects.

Annex B.—ARTICLE VII.

The Mixed Courts^a of Justice shall also take cognizance of, and shall decide, definitively and without appeal, all claims for compensation on account of losses occasioned to vessels and cargoes, which shall have been detained under the provisions of this Treaty, but which shall not have been condemned as legal prize by the said Courts;^b and in all cases wherein restitution of such vessels and cargoes shall be decreed, save as mentioned in Article XII of the Treaty to which these Regulations form an Annex, and in a subsequent part of these Regulations, the Court^c shall award to the claimant or claimants, or to his or their lawful attorney or attornies, for his or their use, a just and complete indemnification, for^d all costs of suit, and for all losses and damages which the owner or owners may have actually sustained by such capture and detention: that is to say:—

First. In case of total loss;

The claimant or claimants shall be indemnified:

a. for the ship, her tackle, equipment, and stores:

b. for all freights, due and payable:

c. for the value of the cargo of mer-

^a *altered to whatsoever.*

^b *the letter s omitted.*

^c *altered to Commission.*

^d *altered to on whose Territory the Court which shall have judged them shall be established.*

^e *the letter s omitted.*

^f *the letter s omitted.*

^a *altered to Commissioners.*

^b *altered to Commissions.*

^c *altered to Commission.*

^d *altered to of.*

Remarks.

Passages as they are now to stand.

Annex B.—ARTICLE VI.

If the detained vessel shall be condemned, she shall be declared lawful prize together with her cargo, of whatever description it may be, with the exception of the negroes or others who shall have been brought on board for the purpose of being consigned to slavery; and the said vessel, in conformity with the regulations in Article XI. of the Treaty of this date, shall, as well as her cargo, be sold by public sale, for the profit of the two Governments, subject to the payment of the expenses hereinbefore mentioned.

The slaves shall receive from the Commission a Certificate of Emancipation, and shall be delivered over to the Government, to whom belongs the cruizer which made the capture, to be dealt with according to the regulations and conditions contained in the Annex to this Treaty marked C.

The charges incurred for the support and for the return voyage of the commanders and crews of condemned vessels, shall be defrayed by the Government of which such commanders and crews are the subjects.

Annex B.—ARTICLE VII.

The Mixed Commissions shall also take cognizance of, and shall decide, definitively and without appeal, all claims for compensation on account of losses occasioned to vessels and cargoes which shall have been detained under the provisions of this Treaty, but which shall not have been condemned as legal prize by the said Commissions; and in all cases wherein restitution of such vessels and cargoes shall be decreed, save as mentioned in Article X of the Treaty to which these Regulations form an Annex, and in a subsequent part of these Regulations, the Commissions shall award to the claimant or claimants, or to his or their lawful attorney or attorneys, for his or their use, a just and complete indemnification for all costs of suit, and for all losses and damages which the owner or owners may have actually sustained by such capture and detention; that is to say:—

First, In case of total loss;

The claimant or claimants shall be indemnified:

a. For the ship, her tackle, equipment, and stores:

b. For all freights due and payable:

c. For the value of the cargo of mer-

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Portuguese Alterations.

chandise, if any, deducting all charges and expenses payable upon the sale of such cargo, including commission of sale :

d. for all other regular charges in such case of total loss.

Secondly. In all other cases, save as hereinafter mentioned, not of total loss, the claimant or claimants shall be indemnified :

a. for all special damages and expenses occasioned to the ship by the detention ; and for loss of freight when due or payable.

b. for demurrage when due, according to the Schedule annexed to the present Article.

c. for any deterioration of the cargo.

d. for all premium of insurance on additional risks.

The claimant or claimants shall be entitled to interest at the rate of 5 per cent. per annum, on the sum awarded, until such sum is paid by the Government to which the capturing ship belongs ; the whole amount of such indemnifications* shall be calculated in the money of the country to which the detained vessel belongs, and shall be liquidated at the exchange current at the time of the award.

The two high Contracting Parties, however, have agreed, that if it shall be proved to the satisfaction of the *judges*** of the two Nations, and without having recourse to the decision of an arbitrator, that the captor has been led into error by *the*† fault of the master or commander of the detained vessel, the detained vessel in that case shall not have the right of receiving, for the time of her detention, the demurrage stipulated by the present Article, nor any other compensation for losses, damages or expenses, consequent upon such detention.

Schedule of demurrage, or‡ daily allowance for a vessel of

100 tons to 120 inclusive, £5	
121 — 150 —	6
151 — 170 —	8
171 — 200 —	10
201 — 220 —	11
221 — 250 —	12
251 — 270 —	14
271 — 300 —	15

and so on in proportion.

Annex B.—ARTICLE VIII.

Neither the *judges*,* nor the arbitrators, nor the secretaries of the *Mixed*

* *the letter s omitted.*

** *altered to Commissioners.*

† *altered to a voluntary and reprehensible.*

‡ *altered to of.*

* *altered to Commissioners.*

Remarks.

Passages as they are now to stand.

chandise, if any, deducting all charges and expenses payable upon the sale of such cargo, including commission of sale:

d. For all other regular charges in such case of total loss.

Secondly, In all other cases, 'save as hereinafter mentioned, not of total loss, the claimant or claimants shall be indemnified:

a. For all special damages and expenses occasioned to the ship by the detention; and for loss of freight when due or payable:

b. For demurrage when due, according to the Schedule annexed to the present Article:

c. For any deterioration of the cargo:

d. For all premium of insurance on additional risks.

The claimant or claimants shall be entitled to interest at the rate of 5 per cent. per annum on the sum awarded, until such sum is paid by the Government to which the capturing ship belongs; the whole amount of such indemnifications shall be calculated in the money of the country to which the detained vessel belongs, and shall be liquidated at the exchange current at the time of the award.

The two High Contracting Parties, however, have agreed, that if it shall be proved to the satisfaction of the Commissioners of the two Nations, and without having recourse to the decision of an arbitrator, that the captor has been led into error by the fault of the master or commander of the detained vessel, the detained vessel in that case shall not have the right of receiving, for the time of her detention, the demurrage stipulated by the present Article, nor any other compensation for losses, damages, or expenses, consequent upon such detention.

' It is immaterial for the excuse of the Captor whether the fault of the master of the detained vessel was voluntary and reprehensible, or not. The only question is, whether the Captor acted wrong deliberately and knowingly, or whether he was led into an error by the conduct and acts of the very person who claims compensation on account of that error.

The words inserted by the Portuguese should be struck out again.

P.

Schedule of demurrage or daily allowance for a vessel of

100 tons to 120 inclusive, £5	} per diem.
121 — 150 — 6	
151 — 170 — 8	
171 — 200 — 10	
201 — 220 — 11	
221 — 250 — 12	
251 — 270 — 14	
271 — 300 — 15	

and so on in proportion.

Annex B.—ARTICLE VIII.

Neither the Commissioners, nor the arbitrators, nor the secretaries of the Com-

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Courts^b of Justice, shall demand or receive from any of the parties concerned in the cases which shall be brought before *such^c Courts^d*, any emolument or gift, under any pretext whatsoever, for the performance of the duties which such *judges^e*, *arbitrators*, and *secretaries^f*, have to perform.

Annex B.—ARTICLE IX.

When the parties interested shall imagine they have cause to complain of any evident injustice on the part of the *Mixed Courts^a of Justice*, they may represent it to their respective Governments, who reserve to themselves the right of mutual correspondence, for the prevention of such injustice for the future.

Annex B.—ARTICLE X.

The two High Contracting Parties have agreed that, in the event of the death, sickness, absence on leave, or any other legal impediment, of one or more of the *Judges^a* or Arbitrators composing the above-mentioned *Courts^b* respectively, the post of such *Judge^c* or of such Arbitrator shall be supplied, *ad interim*, in the following manner.

First. On the part of Her Britannic Majesty, and in that *Court^d* which shall sit within the possessions of Her said Majesty; if the vacancy be that of the British *Judge^e*, ^c his place shall be filled by the British Arbitrator; and either in that case, or if the vacancy be originally that of the British Arbitrator, the place of such Arbitrator shall be filled, successively, by the Governor or Lieutenant-Governor resident in such possession, by the principal Magistrate of the same, and by the Secretary of the Government; and the said *Court^d*, ^e so constituted as above, shall sit, and in all cases brought before them for adjudication, shall proceed to adjudge the same, and to pass sentence accordingly.

Secondly. On the part of Great Britain, and in that *Court^h* which shall sit within the possessions of Her Most Faithful Majesty, if the vacancy be that of the British *Judgeⁱ*, ^l his place shall be filled by the British Arbitrator, and either in that case, or if the vacancy be originally that of the British Arbitrator, his place shall be filled, successively, by the British Consul, and British Vice-Consul, if there be a British Consul or British Vice-Consul appointed to, and

^b *altered to Two Nations.*

^c *altered to the.*

^d *altered to Commissions.*

^e *altered to Commissioners.*

^f *altered to or.*

^a *altered to Commissions.*

^a *altered to Commissioners.*

^b *altered to Commissions.*

^c *altered to Commissioner.*

^d *altered to Commission.*

^e *altered to Commissioner.*

^e *altered to Commission.*

^h *altered to Commission.*

ⁱ *altered to Commissioner.*

Remarks.

Passages as they are now to stand.

Alter all through the singular to plural, because we may want two or more commissions : one at Sierra Leone, one at the Cape, and one in the West Indies. The Commissioners for the two latter might be persons already holding judicial offices in those quarters.

P.

missions, shall demand or receive from any of the parties concerned in the cases which shall be brought before the Commissions, any emolument, or gift, under any pretext whatsoever, for the performance of the duties which such Commissioners, arbitrators, or secretaries, have to perform.

Annex B.—ARTICLE IX.

When the parties interested shall imagine they have cause to complain of any evident injustice on the part of the Mixed Commissions, they may represent it to their respective Governments, who reserve to themselves the right of mutual correspondence, for the prevention of such injustice for the future.

Annex B.—ARTICLE X.

The two High Contracting Parties have agreed, that, in the event of the death, sickness, absence on leave, or any other legal impediment, of one or more of the Commissioners or Arbitrators composing the above-mentioned Commissions respectively, the post of such Commissioners, or of such Arbitrators, shall be supplied, *ad interim*, in the following manner.

First. On the part of Her Britannic Majesty, and in those Commissions which shall sit within the possessions of Her said Majesty, if the vacancy be that of the British Commissioner, his place shall be filled by the British Arbitrator, and either in that case, or if the vacancy be originally that of the British Arbitrator, the place of such Arbitrator shall be filled, successively by the Governor or Lieutenant-Governor resident in such Possessions, by the principal Magistrate of the same, and by the Secretary of the Government; and the said Commissions, so constituted as above, shall sit, and in all cases brought before them for adjudication, shall proceed to adjudge the same, and to pass sentence accordingly.

Secondly. On the part of Great Britain, and in those Commissions which shall sit within the possessions of Her Most Faithful Majesty, if the vacancy be that of the British Commissioner, his place shall be filled by the British Arbitrator, and either in that case, or if the vacancy be originally that of the British Arbitrator, his place shall be filled successively by the British Consul, and British Vice-Consul, if there be a British Consul or British Vice-Consul appointed to, and resident in, such Possessions; and if the vacancy be both of

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<p>resident in, such possession ; and if the vacancy be both of the British <i>Judge</i>^l and of the British Arbitrator, then the vacancy of the British <i>Judge</i>^k shall be filled by the British Consul, and that of the British Arbitrator by the British Vice-Consul, if there be a British Consul and a British Vice-Consul appointed to, and resident in, such possession ; and if there shall be no British Consul or Vice-Consul to fill the place of British Arbitrator, then the Portuguese Arbitrator shall be called in, in those cases in which a British Arbitrator, if there were any, would be called in ; and if the vacancy be both of the British <i>Judge</i>^l and British Arbitrator, and there be neither British Consul, nor British Vice-Consul to fill, <i>ad interim</i>, the vacancies, then the Portuguese <i>Judge</i>^m and Portuguese Arbitrator shall sit, and, in all cases brought before them for adjudication, shall proceed to adjudge the same, and pass sentence accordingly.</p>	<p>^l <i>altered to Commissioner.</i> ^k <i>altered to Commissioner.</i></p>
<p><i>Thirdly.</i> On the part of Portugal, and in that <i>Court</i>ⁿ which shall sit within the possessions of Her Most Faithful Majesty, if the vacancy be that of the Portuguese <i>Judge</i>^o, his place shall be filled by the Portuguese Arbitrator ; and either in that case, or if the vacancy be originally that of the Portuguese Arbitrator, the place of such Arbitrator shall be filled, successively, by the highest civil authority resident in such possession, by the principal Magistrate of the same, and by the Secretary of the Government ; and the said <i>Court</i>^p, so constituted as above, shall sit, and, in all cases brought before them for adjudication, shall proceed to adjudge the same, and pass sentence accordingly.</p>	<p>^l <i>altered to Commissioner.</i> ^m <i>altered to Commissioner.</i> ⁿ <i>altered to Commission.</i> ^o <i>altered to Commissioner.</i></p>
<p><i>Fourthly.</i> On the part of Portugal and in that <i>Court</i>^q which shall sit within the possessions of Her Britannic Majesty, if the vacancy be that of the Portuguese <i>Judge</i>^r, his place shall be filled by the Portuguese Arbitrator ; and either in that case, or <i>if</i>^s the vacancy be originally that of the Portuguese Arbitrator, his place shall be filled, successively, by the Portuguese Consul and Portuguese Vice-Consul, <i>if</i>^t there be a Portuguese Consul or Vice-Consul appointed to, and resident in, such possession ; and if the vacancy be both of the Portuguese <i>Judge</i>^u and of the Portuguese Arbitrator, then the vacancy of the <i>Judge</i>^v shall be filled by the Portu-</p>	<p>^p <i>altered to Commission.</i> ^q <i>altered to Commission.</i> ^r <i>altered to Commissioner.</i> ^s <i>altered to in, and the words the case when added.</i> ^t <i>altered to in, and the words the case when added.</i> ^u <i>altered to Commissioner.</i> ^v <i>altered to Commissioner.</i></p>

Remarks.

Passages as they are now to stand.

the British Commissioner and of the British Arbitrator, then the vacancy of the British Commissioner shall be filled by the British Consul, and that of the British Arbitrator by the British Vice-Consul, if there be a British Consul and British Vice-Consul appointed to and resident in such Possession; and if there shall be no British Consul or Vice-Consul to fill the place of the British Arbitrator, then the Portuguese Arbitrator shall be called in, in those cases in which a British Arbitrator, if there were any, would be called in; and if the vacancy be both of the British Commissioner and British Arbitrator, and there be neither British Consul, nor British Vice-Consul to fill, *ad interim*, the vacancies, then the Portuguese Commissioner and Portuguese Arbitrator shall sit, and in all cases brought before them for adjudication, shall proceed to adjudge the same, and pass sentence accordingly.

Thirdly. On the part of Portugal, and in those Commissions which shall sit within the Possessions of Her Most Faithful Majesty, if the vacancy be that of the Portuguese Commissioner, his place shall be filled by the Portuguese Arbitrator; and either in that case, or if the vacancy be originally that of the Portuguese Arbitrator, the place of such Arbitrator shall be filled, successively, by the highest civil authority, resident in such Possessions, by the principal Magistrate of the same, and by the Secretary of the Government; and the said Commission, so constituted as above, shall sit, and in all cases brought before them for adjudication, shall proceed to adjudge the same, and pass sentence accordingly.

Fourthly. On the part of Portugal, and in those Commissions which shall sit within the Possessions of Her Britannic Majesty, if the vacancy be that of the Portuguese Commissioner, his place shall be filled by the Portuguese Arbitrator; and, either in that case, or if the vacancy be originally that of the Portuguese Arbitrator, his place shall be filled successively, by the Portuguese Consul, and Portuguese Vice-Consul, if there be a Portuguese Consul, and Portuguese Vice-Consul appointed to, and resident in such Possession; and if the vacancy be both of the Portuguese Commissioner and of the Portuguese Arbitrator, then the vacancy of the Commissioner shall be filled by the Portuguese Consul, and that of the Portuguese Arbitrator by the

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guese Consul, and that of the Portuguese Arbitrator by the Portuguese Vice-Consul, if there be a Portuguese Consul and Portuguese Vice-Consul appointed to, and resident in, such possession; and in the case in which there be no Portuguese Consul or Vice-Consul to fill the place of Portuguese Arbitrator, then the British Arbitrator shall be called in, in those cases in which a Portuguese Arbitrator, were there any, would be called in; and, in case the vacancy be both of the Portuguese *Judge*^{*} and Portuguese Arbitrator, and there be neither Portuguese Consul nor Vice-Consul to fill, *ad interim*, the vacancies, then the British *Judge*[†] and Arbitrator shall sit, and in all cases brought before them for adjudication, shall proceed to adjudge the same, and pass sentence accordingly.

The highest civil authority of the settlement wherein either of the Mixed *Courts*^{*} of Justice shall sit, in the event of a vacancy arising either of the *Judge*^{aa} or the Arbitrator of the other High Contracting Party, shall forthwith give notice of the same to the highest civil authority of the nearest settlement of such other High Contracting Party, in order that such vacancy may be supplied at the earliest possible period; and each of the High Contracting Parties agrees to supply, definitively, as soon as possible, the vacancies which may arise in the above-mentioned *Courts*^{ab} from death, or from any other cause whatever.^{ac}

The undersigned Plenipotentiaries have agreed, in conformity with the XVth Article of the Treaty signed by them on this day the

of
183, that the preceding Regulations, consisting of Articles, shall be annexed to the said Treaty, and considered as an integral part thereof.

the day of

183

(L.S.)

(L.S.)

^{*} altered to Commissioner.

[†] altered to Commissioner.

^{*} altered to Commissions.

^{aa} altered to Commissioner.

^{ab} altered to Commissions.

^{ac} altered to whatsoever.

From Portuguese Draft of *
Annex C.—ARTICLE VI.

The Mixed Commissions shall transmit annually to each Government a report relating to—

1. The cases which have been brought before them for adjudication.

2. The state of the liberated Negroes.

3. Every information which they may be able to obtain relative to the treatment and progress made in the religious and mechanical education of the liberated Negroes; and such report shall, under the authority of the Government, be annually published in each country.

Remarks.

Passages as they are now to stand.

Portuguese Vice-Consul, if there be a Portuguese Consul, and Portuguese Vice-Consul appointed to, and resident in such Possessions; and in the case of which there be no Portuguese Consul or Portuguese Vice-Consul to fill the place of Portuguese Arbitrator, then the British Arbitrator shall be called in, in those cases in which a Portuguese Arbitrator, were there any, would be called in; and in case the vacancy be both of the Portuguese Commissioner, and Portuguese Arbitrator, and there be neither Portuguese Consul nor Portuguese Vice-Consul to fill, *ad interim*, the vacancies, then the British Commissioner and Arbitrator shall sit, and in all cases brought before them for adjudication, shall proceed to adjudge the same, and pass sentence accordingly.

The highest civil authority of the settlement wherein either of the Mixed Commissions shall sit, in the event of a vacancy arising either of the Commissioner or the Arbitrator of the other High Contracting Party, shall, forthwith give notice of the same to the highest civil authority of the nearest settlement of such other High Contracting Party, in order that such vacancy may be supplied at the earliest possible period; and each of the High Contracting Parties agrees to supply, definitively, as soon as possible, the vacancies which may arise in the above-mentioned Commissions from death, or from any other cause whatever.

Annex B.—ARTICLE XI.

The Mixed Commissions shall transmit annually to each Government, a Report, relating,

1. To the cases which have been brought before them for adjudication.

2. To the state of the liberated negroes.

3. To every information which they may be able to obtain respecting the treatment and progress made in the religious and mechanical education of the liberated negroes; and such report shall, under the authority of the Government, be annually published in each country.

The undersigned Plenipotentiaries have agreed, in conformity with the XIVth Article of the Treaty signed by them on this day the

183 , that the preceding Regulations, consisting of eleven Articles, shall be annexed to the said Treaty, and considered as an integral part thereof.

the day of

183

(L.S.)

(L.S.)

* To be transferred from Annex C.
P.

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Portuguese Alterations.

ANNEX C.

Regulations in respect to the treatment of liberated Negroes.

Annex C.—ARTICLE I.

The object and *purpose*^a of these Regulations is to secure to Negroes, liberated *under*^b the stipulations of the Treaty to which these Regulations form an Annex, *sub*^c *litterâ* C. permanent good treatment, and ^d full and complete emancipation,^e *according to* the humane intention^f of the ^g parties to the Treaty.^h

^a *Altered to, spirit.*

^b *Altered to, in virtue of.*

^c *Altered to marked.*

^d *a inserted.*

^e *Altered to in conformity with.*

^f *Altered to intentions.*

^g *High Contracting inserted.*

^h *Omitted.*

Annex C.—ARTICLE II.

Immediately after sentence of condemnation upon a vessel charged with being concerned in illegal Slave Trade shall have been passed by the Mixed Court^a of Justice, established under the Treaty to which these Regulations^b form an Annex, all Negroes who were on board of such vessel, and who were brought on board for the purpose^c of traffic shall be delivered over to the Government to whom^d belongs the Cruiser which made the Capture.

^a *Altered to Commissions.*

^b *Omitted.*

^c *Altered to purposes.*

^d *The whole passage is omitted, and the word Commissions is inserted instead after the word Government.*

Annex C.—ARTICLE III.

The Negroes so liberated, and delivered over to such Government, shall be placed^a under the care and Superintendence of a Board consisting of two Members or Commissioners, with a power to call in a third Member under the circumstances hereinafter stated.

In that colony or possession of Her Britannic Majesty in which, under the Treaty, to which these Regulations form an Annex, a Mixed Court of Justice is to sit, the Board of Superintendence of the liberated Negroes shall consist of the Governor of the said colony or possession, and of the Portuguese Judge in the said Mixed Court of Justice; and when the Portuguese Judge is absent, then the Portuguese Arbitrator of the said Mixed Court of Justice shall sit in the place of the Judge, in the Board of Superintendence of liberated Negroes.

In that colony or possession of Her Most Faithful Majesty, in which, under the present Treaty, a Mixed Court of Justice is to sit, the Board of Super-

ARTICLE III.

In the Portuguese dominions the liberated Slaves shall be^a given over to the Portuguese Authority, who will become the legitimate Guardian and Curator

Remarks.

Passages as they are now to stand.

ANNEX C.

Regulations in respect to the treatment of liberated negroes.

Annex C.—ARTICLE I.

The object and purpose of the letter and spirit of these Regulations is to secure to negroes, and others, liberated in virtue of the stipulations of the Treaty to which these Regulations form an Annex, marked C. permanent good treatment, and full and complete emancipation, in conformity with the humane intentions of the High Contracting Parties.

Annex C. ARTICLE II.

It is absolutely necessary to re-establish the words as they are in the printed version. For if the ships were to be carried to the nearest Commission, most of the ships taken south of the Line would probably be taken to the Portuguese Commission at Loander, and then, by this clause, the Negroes found in them would become Portuguese property, and probably Slaves. The Portuguese Cruiser might then lie idle and the British Cruiser would toil in order to fill the Portuguese colonies with Slaves.

P.

This is inadmissible; it would place the Negroes liberated in the Portuguese Settlements entirely under Portuguese control, and would authorise the Governor to sell them by auction, a thing quite incompatible with letter or spirit of the treaty. The printed Version of Articles 3 and 4 must stand.

P.

Immediately after sentence of condemnation upon a vessel charged with being concerned in illegal Slave Trade shall have been passed by the Mixed Commissions, established under the Treaty to which these Regulations form an Annex, all negroes or others who were on board of such vessel, and who were brought on board for the purpose of being consigned to slavery, shall be delivered over to the Government to whom belongs the cruiser which made the capture.

Annex C—ARTICLE III.

The negroes so liberated and delivered over to such Government, shall be placed under the care and superintendence of a Board consisting of two Members or Commissioners, with a power to call in a third member under the circumstance herein after stated.

In those colonies or possessions of Her Britannic Majesty in which, under the Treaty, to which these Regulations form an Annex, Mixed Commissions are to sit, the Boards of Superintendence of the liberated Negroes shall consist of the Governors of the said colonies or possessions, and of the Portuguese Commissioners in the said Mixed Commissions; and when the Portuguese Commissioners are absent, then the Portuguese Arbitrators of the said Mixed Commissions shall sit in the place of the Commissioners, in the Boards of Superintendence of liberated negroes.

In those colonies or possessions of Her Most Faithful Majesty, in which, under the present Treaty, Mixed Commissions are to sit, the Boards of Superintendence

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intendence of the liberated Negroes shall consist of the Governor of that colony or possession, and of the British Judge in the said Mixed Court of Justice; and when the British Judge is absent, then the British Arbitrator of the said Mixed Court of Justice shall sit in the place of the Judge, in the Board of Superintendence of liberated Negroes.

The several Members of the Board of Superintendence shall, before entering upon their offices, respectively, take an oath, in presence of the principal Magistrate of the place, that they will faithfully execute their office without favour or partiality, according to the true intent and meaning of these Regulations.

Annex C.—ARTICLE IV.

In order the better to carry into effect the purposes intended by the present Regulations, a person^b of known probity and humanity shall be selected and appointed by the Board of Superintendence, to act under its directions, with the title of Curator of liberated Negroes; and such Curator may, under the sanction of the Board, employ such persons as may be necessary to assist him in the execution of his duties.

The Curator so appointed shall, previously to his entering on the duties of his office, take, before the Board of Superintendence, an oath in the following words:—

I, A. B., do solemnly swear, that I will act, to the best of my skill and knowledge, faithfully and impartially in the execution of my office, and that I will conduct myself with due respect to the authority of the Board of Superintendence of liberated Negroes, to which I am attached.

So help me GOD.

Annex C.—ARTICLE V.

The Curator of the liberated Negroes shall be personally present at the delivery of the Negroes to the person charged by the Government to receive them, after the sentence of emancipation is passed as specified in Art. II. of these Regulations.

Duplicate original receipts for the Negroes delivered over to the Government, specifying the number of each sex, shall, at the time when they are

^b Curator of the Slaves thus liberated, and will deliver them for the purpose of instruction to masters of mechanical trades (^c see Article 6), who, at public auction, will receive them upon the most advantageous terms for liberated slaves; the Regulations for their treatment and instruction being always in conformity with the disposition of the Article of the Treaty, of which this Annex forms an integral part.

In the British possessions the liberated slaves shall be treated in exact conformity with the laws in force for the Regulation of Free Apprenticed Negroes.

ARTICLE V.

Remarks.

Passages as they are now to stand.

of the liberated Negroes shall consist of the Governors of those colonies or possessions and of the British Commissioners in the said Mixed Commissions; and when the British Commissioners are absent, then the British Arbitrators of the said Mixed Commissions, shall sit in the place of the Commissioners, in the Boards of Superintendence of liberated Negroes.

The several Members of the Boards of Superintendence shall, before entering upon their offices, respectively, take an oath, in presence of the principal Magistrate of the place, that they will faithfully execute their office without favour or partiality, according to the true intent and meaning of these Regulations.

Annex C—ARTICLE IV.

In order the better to carry into effect the purposes intended by the present Regulations, a person of known probity and humanity shall be selected and appointed by the Board of Superintendence, to act under its directions, with the title of Curator of liberated Negroes; and such Curator may, under the sanction of the Board, employ such persons as may be necessary, to assist him in the execution of his duties.

The Curator so appointed shall, previously to his entering on the duties of his office, take before the board of Superintendence, an oath in the following words:—

I, A. B., do solemnly swear, that I will act, to the best of my skill and knowledge, faithfully and impartially in the execution of my office; and that I will conduct myself with due respect to the authority of the Board of Superintendence of liberated Negroes, to which I am attached.

So help me GOD.

Annex C—ARTICLE V.

The Curator of the liberated Negroes shall be personally present at the delivery of the negroes to the persons charged by the Government to receive them, after the sentence of emancipation is passed, as specified in Article II. of these Regulations.

Duplicate original receipts for the negroes delivered over to the Government, specifying the number of each sex, shall, at the time when they are delivered as

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The alteration proposed in Article 5 is objectionable, as it tends to diminish the security that the emancipated negroes shall continue free.

P.

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delivered as aforesaid, be made out and signed by the officer receiving them.

One original of such receipts shall be given to the person previously in charge of the Negroes; the other shall be given to the Curator, who shall deposit the same in the Registry of the Mixed Court of Justice which adjudicated the case of the vessel in which the Negroes were captured.

At the time of the delivery of such Negroes to the Government in the manner hereinbefore mentioned, they shall be minutely inspected by the Curator, who shall give to each Negro a name, which name shall then be entered by the Curator in a book to be called "Register of Emancipated Negroes," and to be kept for that purpose in the office of the Board of Superintendence; and opposite to the name shall be entered a description of the person, with the probable age, with the body marks, and with any particulars which can be ascertained regarding the family and nation of such Negro.

Each Negro shall then be marked on the upper part of the right arm with a small silver instrument bearing for its device a symbol of freedom.

Annex C.—ARTICLE IV.

For the purpose which is explained in the two preceding Articles, there shall be kept in the office of the highest Civil Authority of the two High Contracting Parties of the part of the Dominions where the Mixed

Commissions reside a Register of all the Emancipated Negroes, in which shall be entered, with scrupulous exactness, the names of the vessels in which they were captured, the names of the persons to whose care they have been committed, and any other circumstances likely to contribute to the end in view.

ARTICLE V.

The Register to which the preceding Article refers, will serve to form a general Return which the highest Civil Authority of that part of the Dominions of either of the two High Contracting Parties, where the Mixed Commission reside, shall be bound to deliver every six months to the aforesaid Mixed Commission, in order to shew the existence of the Negroes emancipated under this Treaty, the decease of such as have died, the improvement in their condition, and the progress made in their instruction, both religious and moral, as also in the arts of life.

These returns shall likewise be transmitted annually by the Mixed Commissions to each Government.

Annex.—ARTICLE VI.

The Mixed Commissions shall transmit annually to each Government a Report relating to,

1st. The Cases which have been brought before them for adjudication.

2nd. The State of the Liberated Negroes.

3rd. Every Information which they may be able to obtain relative to the treatment and progress made in the religious and mechanical Education of the liberated Negroes, and such Report shall, under the authority of the Government, be annually published in each country.

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aforesaid, be made out and signed by the officer receiving them.

One original of such receipts shall be given to the person previously in charge of the negroes, the other shall be given to the Curator, who shall deposit the same in the Registry of the Mixed Commission, which adjudicated the case of the vessel in which the negroes were captured.

At the time of the delivery of such negroes to the Government in the manner hereinbefore mentioned, they shall be minutely inspected by the Curator, who shall give to each Negro a name, which name shall then be entered by the Curator in a book to be called "Register of Emancipated Negroes," and to be kept for that purpose in the office of the Board of Superintendence; and opposite to the name shall be entered a description of the person, with the probable age, with the bodily marks, and with any particulars which can be ascertained regarding the family and nation of such Negro, together with the name of the vessel in which he was captured.

Each negro shall then be marked on the upper part of the right arm with a small silver instrument bearing for its device a symbol of freedom.

*To be transferred to Annex B.
P.*

Transferred accordingly, see Annex B.
Article XI.

British Draft.

Portuguese Alterations.

Annex C.—ARTICLE VI.

The Board of Superintendence shall then make known by the public papers, its intention to apprentice out the liberated negroes ; and after seven days have elapsed from the announcement of such intention, the hiring or apprenticing of the negroes shall take place either by public auction or by tender, as may be thought best ; and the Negroes shall then be distributed to their hirers, upon the conditions and stipulations hereinafter mentioned ; which conditions and stipulations shall be published at the time of auction or tender, and shall also be embodied in a contract or indenture, to be entered into formally between the Hirer and the aforesaid Board. The contract or indenture shall be made out in duplicate : it shall be in print, and not in writing ; one copy of it shall remain with the Hirer, and the other with the Board, under the care of the Curator.

When the sums offered by two or more different persons for the hiring of a Negro are equal, preference shall be given to the person who will undertake to employ such Negro as a mechanic or as a domestic servant.

Annex C.—ARTICLE VII.

The period of service for which apprentices shall be bound, shall be seven years, for all Negroes who, at the time of hiring, are above thirteen years of age ; but three of the seven years may be afterwards remitted, at the discretion of the Board, upon the recommendation of the master, and upon proof that the apprentice is capable of earning an honest livelihood, and is worthy of such indulgence.

The apprenticeship of Negroes who, at the time of hiring, are under thirteen years of age, shall continue until the age of twenty, subject to a diminution of that term at the discretion of the Board, upon due proof being given that the apprentice is worthy of such indulgence, and is capable of maintaining himself.

Annex C.—ARTICLE VIII.

When more apprentices than one are confided to the same master, care shall be taken to select, for that purpose, such as are of the same African nation, and, if possible, of the same family ; and in no case shall a child under fourteen

Omitted in Portuguese Draft.

Omitted in Portuguese Draft.

Omitted in Portuguese Draft.

Remarks.

Passages as they are now to stand.

It appears that the Portuguese Government wants to strike out the greater part of Annex C, but we must insist upon its being reestablished. It is impossible to acquiesce in the deliberate purpose, which this alteration seems to have in view, of making Slaves of the Emancipated Negroes. All the Articles struck out by the Portuguese Government must be reinserted.

P.

Annex C.—ARTICLE VI.

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British Draft.

Portuguese Alterations.

years of age be separated from its mother ; but such child shall always be apprenticed to the same master with its mother.

Annex C.—ARTICLE IX.

The name and address of the master, together with the name and position of the estate or house where the liberated negro is to be resident, shall be inserted opposite to the name of the negro in his contract or indenture.

Omitted in Portuguese Draft.

Annex C.—ARTICLE X.

No negro shall be apprenticed to any master who resides more than twenty English miles from the town where such Mixed Court of Justice is established ; and if any master to whom such negro shall have been so apprenticed shall afterwards change his residence, he shall be required to give immediate notice thereof to the Curator.

Omitted in Portuguese Draft.

The apprentices must always reside at that particular estate or house of the master, which is registered as being within the above-mentioned distance from the place of sitting of the Mixed Court of Justice.

Annex C.—ARTICLE XI.

No person shall be intrusted with one or more liberated Negroes, unless he shall prove to the Board, that he possesses ample means for the employment, maintenance, and support, of such Negro or Negroes, and unless he shall make himself answerable, under the penalty of \$0 dollars, for each Negro, that the conditions under which such Negro is received shall be duly observed.

Omitted in Portuguese Draft.

Annex C.—ARTICLE XII.

The master shall engage to pay a stipulated sum for the hire of each apprentice.

Omitted in Portuguese Draft.

The Curator may, if the amount is to be paid down in one sum, demand it previously to the hire ; if the sum is to be periodically paid, the Curator may demand the same quarterly in advance.

Annex C.—ARTICLE XIII.

The master shall undertake :

Omitted in Portuguese Draft.

1°. That the apprentice shall be maintained with wholesome and abundant food ; and shall be provided with such clothes as are usual, according to the custom of the country.

Remarks,	Passages as they are now to stand.
	<p>years of age, be separated from its mother; but such child shall always be apprenticed to the same master with its mother.</p>
	<p><i>Annex C.—ARTICLE IX.</i></p>
	<p>The name and address of the master, together with the name and position of the estate or house where the liberated negro is to be resident, shall be inserted opposite to the name of the negro in his contract or indenture.</p>
	<p><i>Annex C.—ARTICLE X.</i></p>
	<p>No negro shall be apprenticed to any master who resides more than twenty English miles from the town where the Mixed Commission by which he was liberated is established; and if any master to whom such negro shall have been so apprenticed shall afterwards change his residence, he shall be required to give immediate notice thereof to the Curator.</p>
	<p>The apprentices must always reside at that particular estate or house of the master, which is registered as being within the above-mentioned distance from the place of sitting of the Mixed Commission.</p>
	<p><i>Annex C.—ARTICLE XI.</i></p>
	<p>No person shall be intrusted with one or more liberated Negroes, unless he shall prove to the Board, that he possesses ample means for the employment, maintenance, and support, of such negro or negroes, and unless he shall make himself answerable, under the penalty of 80 dollars, for each negro, that the conditions under which such negro is received shall be duly observed.</p>
	<p><i>Annex C.—ARTICLE XII.</i></p>
	<p>The master shall engage to pay a stipulated sum for the hire of each apprentice.</p>
	<p>The Curator may, if the amount is to be paid down in one sum, demand it previously to the hire; and if the sum is to be periodically paid, the Curator may demand the same quarterly in advance.</p>
	<p><i>Annex C.—ARTICLE XIII.</i></p>
	<p>The master shall undertake:</p>
	<p>1. That the apprentice shall be maintained with wholesome and abundant food; and shall be provided with such clothes as are usual, according to the custom of the country.</p>

British Draft.

Portuguese Alterations.

2°. That he shall be instructed in the truths of the Christian Religion, in order that he may be baptized before the expiration of the second year of his apprenticeship.

3°. That he shall be vaccinated as soon as possible, after being delivered into the charge of the master ; that in sickness, he shall have proper medical advice, and shall be treated with due care and attention ; and that, in case of death, he shall be decently buried, at the master's expense.

4°. That the apprentice shall be taught some useful business, or be instructed in some trade or mechanical art, whereby he may be enabled to maintain himself, when the period of his service shall have expired.

5°. That whenever an infant is born of any female apprentice, immediate information thereof shall be given by the master to the Board of Superintendence, in order that the fact may be duly registered.

6°. That Baptism of the infant so born shall take place within three months after its birth, and that the freedom of the child shall be recorded in the Register of Baptism ; but that such child shall remain with its mother, and shall be maintained and treated by the master of the mother, in the same manner as an apprentice, until the apprenticeship of the mother ceases.

Annex C.—ARTICLE XIV.

No master shall, in any case, be authorized to transfer to another master his apprenticed Negro, without the especial and written sanction of the Board ; and if the master shall leave the country, or shall change his residence to a part of the country beyond the limits herein-before fixed for persons having apprentices ; or if he shall become so reduced in his circumstances, as to be obliged to give up his establishment ; then, and in any of these cases, he shall report the same to the Board, and shall bring his apprentices and deliver them up to the said Board, by whom they shall be received, and shall afterwards be apprenticed to another master, for the remainder of the period which such apprentices may have to serve, and under the same conditions as those imposed upon the first master. But in no case shall the master be allowed to deliver up his apprentice to

Omitted in Portuguese Draft.

Remarks.

Passages as they are now to stand.

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British Draft.

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any other authority than to the said Board, or to the Curator, under the orders of the Board.

If any apprentice shall be guilty of crimes which render him obnoxious to the laws of the country, or shall be guilty of habitual drunkenness, insubordination, wilful carelessness, or destruction of his master's property, the master may in such case bring him before the Board of Superintendence; and upon proof of the facts, the said Board shall have power to cancel the indentures.

Annex C.—ARTICLE XV.

If an apprentice should run away, his master shall give immediate information thereof to the Curator, who shall instantly proceed to a summary investigation of the fact, for the information of the Board of Superintendence. Any master who shall be proved to have improperly disposed of an apprentice, whom he has reported as dead or absconded, shall pay, as a fine, the sum of 300 dollars. The half of this fine shall be paid to the informer, and the remainder to the Curator, to be placed at the disposal of the Board for the purposes hereinafter mentioned.

Omitted in Portuguese Draft.

Annex C.—ARTICLE XVI.

If an apprentice should fall sick, the master shall give immediate notice thereof to the Curator, in order that he, or one of his assistants, may visit such apprentice, and report to the Board the nature of his disorder, and the manner in which such sick Negro is taken care of.

Omitted in Portuguese Draft.

If an apprentice should die, notice thereof shall immediately be given to the Curator, in order that he, or one of his assistants, may attend for the purpose of ascertaining, that the deceased Negro was really and truly the apprentice, described as such in the Register.

For this purpose the Curator, or his assistants, shall make such inquiries as he may judge necessary, interrogating the inhabitants of the house in which the Negro has died, the neighbours, or any other persons; and shall take such other means as he may judge necessary to enable him to ascertain the truth, in order that the burial of the Negro, which is to be at the expense of the master, may take place without further delay.

Remarks.

Passages as they are now to stand.

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A summary Report of the result of

British Draft.

Portuguese Alterations.

A summary Report of the result of this inquiry shall then be drawn up officially by the Curator, and shall be delivered without delay to the Board.

The Curator, after having identified the body of an apprentice who may have died, shall investigate the cause of the death; and if the death shall appear to have been natural, he shall note that fact in the Register.

If the cause of death be doubtful or shall appear to be otherwise than natural, he shall interrogate the other Negroes, and other inhabitants of the house, and shall take such other means as may appear necessary to ascertain the facts of the case; and if there shall appear reason to suspect that the death of such Negro has been occasioned by violence, improper usage, or culpable neglect, he shall take the proper course for bringing the offender to trial before the Courts of the country.

Annex C.—ARTICLE XVII.

If the master of any apprentice shall commit any breach of these conditions, a fine shall be imposed upon him of not less than 50, and not exceeding 100 dollars, one half of which shall go to the informer, and the other half shall be placed at the disposal of the Board of Superintendence, for the purposes hereinafter mentioned.

And in case of any gross misconduct of the said master towards his apprentice, such master shall, if the Board of Superintendence shall think fit, besides paying the above-mentioned fine, forfeit all further right to the services of the apprentice; and the said apprentice shall be taken from such master, and shall be apprenticed to another master for the remainder of his term of apprenticeship.

Annex C.—ARTICLE XVIII.

If the master of an apprentice shall die, his heir, or the person to whom the possession of such apprentice shall devolve, shall, within four days after the death of such master, report the same to the Board of Superintendence. The Board shall, thereupon, issue their order to the Curator, to bring the apprentice before them; and when the apprentice is so brought, the Board shall apprentice him to another master, under the established conditions.

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Remarks.

Passages as they are now to stand.

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British Draft.

Portuguese Alterations.

If the heir, or the person in possession of such apprentice shall neglect to report the death of the master within four days, he shall pay one dollar a day for each apprenticed Negro belonging to such deceased master, until he shall have delivered them all up to the said Board; and he shall, moreover, be subject to the other penalties, which attach to the non-performance of the conditions established by these Regulations.

Annex C.—ARTICLE XIX.

If any liberated Negro be apprenticed to, or hired by, the Government, the contract shall contain the same conditions and stipulations, in regard to the Negro, as are hereinbefore prescribed for cases in which the Negro is apprenticed to a private individual.

Omitted in Portuguese Draft.

Annex C.—ARTICLE XX.

Liberated Negroes shall, at the discretion of the Board of Superintendence, and when it shall be ascertained that their own free will has previously been obtained, be permitted to become soldiers and sailors in the regular land and sea forces of the state, in whose territories or dominions they shall have been emancipated.

Omitted in Portuguese Draft.

The Board shall take care, in such case, to ascertain, that the Negroes fully understand and are aware of the nature of the engagement which they enter into by so enlisting.

The Government, into whose service the Negroes enlist, shall sign a receipt for them, which receipt shall be delivered to the Curator at the time of the enlistment; and the Board shall take means to ensure, that the full and permanent emancipation of such Negroes shall be secured to them in the true spirit of these Regulations.

Annex C.—ARTICLE XXI.

Those liberated Negroes, who may not be apprenticed, or who may not have enlisted into the sea or land forces of the state to which the colony or possession, in which they may be, belongs; or whose indentures shall have become void or shall have been cancelled, shall be provided for by the Government of such colony or possession. They shall be kept within 20 miles of the place, where the Mixed Courts of Justice are sitting.

Omitted in Portuguese Draft.

The expense of maintaining and

Remarks.

Passages as they are now to stand.

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The expense of maintaining and sup-

British Draft.

Portuguese Alterations.

supporting such Negroes shall be borne by the Government of the colony ; but they shall be under the care and Superintendence of the Board and Curator ; and the present regulations shall be applicable to them in every respect ; excepting as regards apprenticeship.

Annex C.—ARTICLE XXII.

The Curator shall endeavour, by means of an interpreter, to explain to each Negro the nature of any contract by which he may become bound ; and shall inform him, that if he should, at any time, be ill treated by his master, he must make his complaint to the Curator, or to the Board of Superintendence of liberated Negroes.

Omitted in Portuguese Draft.

Annex C.—ARTICLE XXIII.

It shall be the duty of the Curator, or of his assistant, to visit once, at least, in every three months, all places where there are any liberated Negroes under the Superintendence of the Board ; he shall examine and inspect all such Negroes ; receive their complaints ; inquire into those complaints and search out the truth ; and investigate any abuses that may effect the said Negroes ; and also inquire into the general conduct of the Negroes themselves.

Omitted in Portuguese Draft.

The Curator shall then bring to the notice of the Board every complaint on the part of the said Negroes, and every breach of the conditions and stipulations of the contract under which the Negroes serve ; and in all cases of well-founded complaint, the Board shall take proper means for affording redress.

The inspections above prescribed are not to be made at stated periods, but at uncertain times, and unexpectedly.

The Curator shall also report to the Board every three months, the state in which he finds the liberated Negroes ; and his report shall be entered in a book to be kept for that purpose, to be called " Curator's Reports ;" and to be deposited in the office of the Board ; so that on reference thereto, the condition and behaviour of every liberated Negro may be easily known.

Annex C.—ARTICLE XXIV.

All proceedings of the Curator, together with a statement of all facts, which may, from time to time, come to his

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Remarks.

Passages as they are now to stand.

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British Draft.

Portuguese Alterations.

Knowledge respecting liberated Negroes, shall be immediately communicated by him to the Board of Superintendence; and he is not to institute any proceedings, nor to take any steps, in respect to such Negroes, without the knowledge and sanction of the Board.

Annex C.—ARTICLE XXV.

The Curator shall receive all the sums which are to be paid for the hire of apprentices, and all the monies arising from penalties incurred by masters, and shall render an account thereof to the Board of Superintendence.

The amount is to be applied to the purposes hereinafter mentioned.

Annex C.—ARTICLE XXVI.

When the prescribed term of service of any apprentice shall have expired, the Curator shall, under the direction of the Board of Superintendence, summon such apprentice, together with his master, to appear before the said Board; the master shall then give up to the Board the indenture of the negro, and the negro shall receive from the Board a certificate, specifying that such negro has completed the term of his apprenticeship, and is entitled to all the rights and privileges of a free person.

The Curator shall see, that this certificate be authenticated and registered according to the custom of the country.

Annex C.—ARTICLE XXVII.

The Board of Superintendence shall have the power to admonish the Curator, and any other officer serving under the Board, if such Curator, or other officer, should fail to execute his duty faithfully; and if the Board shall see necessary, they may dismiss such Curator or other officer, and appoint successors.

Annex C.—ARTICLE XXVIII.

The necessary proceedings for recovering such sums as may be due from masters on account of the hire of apprentices, and for enforcing the payment of the several fines and penalties hereinbefore imposed, shall be instituted in the proper Courts of Law of the country where the Boards of Superintendence shall respectively reside, and shall be carried on at the instance of the Board.

Omitted in Portuguese Draft.

Omitted in Portuguese Draft.

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Remarks.

Passages as they are now to stand.

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The Board of Superintendence shall have the power to admonish the Curator, and any other officer serving under the Board, if such Curator, or other officer, should fail to execute his duty faithfully; and if the Board shall see necessary, they may dismiss such Curator or other officer, and appoint successors.

Annex C.—ARTICLE XXVIII.

The necessary proceedings, for recovering such sums as may be due from masters on account of the hire of apprentices, and for enforcing the payment of the several fines and penalties hereinbefore imposed, shall be instituted in the proper Courts of Law of the country where the Boards of Superintendence shall respectively reside, and shall be carried on at the instance of the Board.

The expenses of such proceedings

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The expenses of such proceedings shall be defrayed as hereinafter mentioned; and the High Contracting Parties hereby engage that, within six months from the exchange of the ratifications of the Treaty to which these regulations are annexed, they will grant the requisite authority and powers, to the Courts of Law of the Country where the Boards of Superintendence are respectively held, to take cognizance of the actions which, for the due execution of these regulations, may be brought in such Courts of Law at the instance of the Boards; so that the penalties hereinbefore mentioned may be recovered, and the levy of the monies hereinbefore mentioned may be enforced, and the payment of the amount thereof may be made to the person appointed by these regulations to receive such penalties and monies.

Annex C.—ARTICLE XXIX.

The money arising from the hire of liberated negroes, and also from the penalties incurred by the masters, shall be deposited by the Curator in a chest with three keys, one of which shall be kept by each Commissioner of the Board of Superintendence, and one by the Curator. The Curator shall so deposit the several sums, as soon as he receives them, making previously a regular entry of the receipt in a book to be kept for that purpose.

This money shall be applied in the following manner, that is to say, a portion thereof, at the discretion of the Board of Superintendence, shall be paid to the Curator, and to the other officers employed under the said Board, for their salaries; so much of the remaining portion as shall be needful, shall be applied towards defraying the expense of prosecuting masters for breaches of the conditions and stipulations of their contracts; and also, towards defraying the other expenses incurred for carrying these regulations into effect; and the remaining balance, if any, shall be laid out at the discretion of the said Board, in the promotion of the comfort and welfare of the liberated negroes, either during their term of service, or at its expiration, and especially in rewards to liberated negroes for good conduct.

The accounts of these monies, and of the manner in which they have been applied, shall, at the expiration of

Omitted in Portuguese Draft.

Remarks.

Passages as they are now to stand.

shall be defrayed as hereinafter mentioned; and the High Contracting Parties hereby engage that, within six months from the exchange of the ratifications of the Treaty to which these regulations are annexed, they will grant the requisite authority and powers, to the Courts of Law of the country where the Boards of Superintendence are respectively held, to take cognizance of the actions which, for the due execution of these regulations, may be brought in such Courts of Law at the instance of the Boards; so that the penalties hereinbefore mentioned may be recovered, and the levy of the monies hereinbefore mentioned may be enforced, and the payment of the amount thereof may be made to the person appointed by these regulations to receive such penalties and monies.

Annex C.—ARTICLE XXIX.

The money arising from the hire of liberated Negroes, and also from the penalties incurred by the masters, shall be deposited by the Curator in a chest with three keys, one of which shall be kept by each Commissioner of the Board of Superintendence, and one by the Curator. The Curator shall so deposit the several sums as soon as he receives them, making previously a regular entry of the receipt in a book to be kept for that purpose.

This money shall be applied in the following manner: that is to say, a portion thereof, at the discretion of the Board of Superintendence, shall be paid to the Curator, and to the other Officers employed under the said Board, for their salaries; so much of the remaining portion as shall be needful shall be applied towards defraying the expense of prosecuting masters for breaches of the conditions and stipulations of their contracts, and also, towards defraying the other expenses incurred for carrying these Regulations into effect; and the remaining balance, if any, shall be laid out, at the discretion of the said Board, in the promotion of the comfort and welfare of the liberated negroes, either during their term of service, or at its expiration, and especially in rewards to liberated negroes for good conduct.

The accounts of these monies, and of the manner in which they have been applied, shall, at the expiration of every year, be made up in duplicate, by the

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Portuguese Alterations.

every year, be made up in duplicate by the Curator; and after these accounts have been examined and approved by the Board, one of such duplicates shall be transmitted by each Commissioner to the Government on whose part he is acting.

If the fund should not prove sufficient to liquidate the just and necessary demands made for the purposes required, the deficiency shall be made good in equal moieties by the two Governments.

Annex C.—ARTICLE XXX.

In the event of a difference arising between the two aforesaid Commissioners of the Board, regarding the appointment of any officer under them, or regarding any other matter in the execution of these regulations, if such difference shall occur in a British colony or possession, the Board shall call in the person who officiates in that colony or possession as Portuguese Arbitrator to the Mixed Court of Justice, under the Treaty; and if the case shall occur in the Portuguese colony or possession, the Board of Superintendence shall call in the person who officiates in that colony or possession, as British Arbitrator to the Mixed Court of Justice under the Treaty; and the Board of Superintendence of liberated negroes thus formed, and being composed of the two Commissioners and of one Arbitrator shall, by the majority of voices, decide all such points of difference.

It shall not be permitted to the Members of the Board of Superintendence, nor to any officer acting under them, to demand or receive from any one, excepting as herein specified, any emolument under any pretext whatsoever, for the performance of the duties which are imposed upon them by the present regulations.

Annex C.—ARTICLE XXXI.

Nothing that is contained in these regulations shall be construed to exempt any liberated negro from his liability, as a free man, to be proceeded against for any offence committed by him (except as herein provided for) against the laws of the country in which he is located. But in all cases where offence against such laws is imputed to a negro under the care of the aforesaid Board of Superintendence,

Omitted in Portuguese Draft.

Omitted in Portuguese Draft.

Remarks.

Passages as they are now to stand.

Curator; and after these accounts have been examined and approved by the Board, one of such duplicates shall be transmitted by each Commissioner to the Government on whose part he is acting.

If the fund should not prove sufficient to liquidate the just and necessary demands made for the purposes required, the deficiency shall be made good in equal moieties by the two Governments.

Annex C.—ARTICLE XXX.

In the event of a difference arising between the two aforesaid Commissioners of the Board, regarding the appointment of any officer under them, or regarding any other matter in the execution of these regulations, if such difference shall occur in a British colony or possession, the Board shall call in the person who officiates in that colony or possession as Portuguese Arbitrator to the Mixed Commission, under the Treaty, and if the case shall occur in the Portuguese colony or Possession, the Board of Superintendence shall call in the person who officiates in that colony or possession as British Arbitrator to the Mixed Commission under the Treaty; and the Board of Superintendence of liberated negroes thus formed, and being composed of the two Commissioners and of one Arbitrator shall, by the majority of voices, decide all such points of difference.

It shall not be permitted to the Members of the Board of Superintendence, nor to any officer acting under them, to demand or receive from any one, excepting as herein specified, any emolument, under any pretext whatsoever, for the performance of the duties which are imposed upon them by the present regulations.

Annex C.—ARTICLE XXXI.

Nothing that is contained in these Regulations, shall be construed to exempt any liberated Negro from his liability, as a free man, to be proceeded against for any offence committed by him (except as herein provided for) against the laws of the country in which he is located. But in all cases where an offence against such laws is imputed to a negro under the care of the aforesaid Board of Superintendence, the laws shall

British Draft.

Portuguese Alterations.

the laws shall be administered to him as to a free man ; and the Curator shall, either personally or by a responsible individual, deputed by him for the purpose, attend the Courts of Justice of the country, to see that justice is done to the negro.

Annex C.—ARTICLE XXXII.

It is further stipulated, with a view to avoid the unnecessary multiplication of words, that every thing contained in the foregoing regulations which applies to masters, shall be construed as applying equally to mistresses ; and that every thing in the said regulations with respect to negroes and apprentices which applies to the masculine gender and singular number, shall be construed as applying equally to the female sex and to the plural number, unless such construction shall be in express opposition to any other enactment of these regulations.

Annex C.—ARTICLE XXXIII.

These regulations shall be inserted in the official Gazette or Journal of the countries, whose Sovereigns are contracting parties to the Treaty ; and also in the official Journal or Gazette of the place where the Mixed Courts of Justice are respectively held ; and the Governments of the said countries shall convey to the said Boards of Superintendence of liberated negroes, to the Curators, and to their assistants under those Boards, such authority as may be requisite to enable the said Boards of Superintendence, Curators, and officers acting under them, respectively, to perform the duties and to exercise the powers intrusted to them by these regulations.

Omitted in Portuguese Draft.

Omitted in Portuguese Draft.

New Article proposed by Portugal.

Annex C.—ARTICLE VII.

The principal object of the Treaty of which the present Annex forms an integral part, is no other than that of improving the condition of those unhappy victims of avarice. The High Contracting Parties, animated with the same sentiments of humanity, agree that if in future it should appear necessary to adopt new measures for obtaining the same, and in consequence of those laid down in this Annex turning out ineffica-

The

Remarks.

Passages as they are now to stand.

be administered to him as to a free man, and the Curator shall, either personally or by a responsible individual, deputed by him for the purpose, attend the Courts of Justice of the country to see that justice is done to the negro.

Annex C.—ARTICLE XXXII.

It is further stipulated, with a view to avoid the unnecessary multiplication of words, that everything contained in the foregoing Regulations which applies to masters, shall be construed as applying equally to mistresses; and that every thing in the said Regulations with respect to Negroes and apprentices which applies to the masculine gender and singular number, shall be construed as applying equally to the female sex, and to the plural number, unless such construction shall be in express opposition to any other enactment of these Regulations.

Annex C.—ARTICLE XXXIII.

These Regulations shall be inserted in the official Gazette or Journal of the countries whose Sovereigns are Contracting Parties to the Treaty; and also in the Official Journal or Gazette of the place where the Mixed Commissions are respectively held; and the Governments of the said Countries shall convey to the said Boards of Superintendence of liberated negroes, to the Curators, and to their assistants under those Boards, such authority as may be requisite to enable the said Boards of Superintendence, Curators, and officers acting under them, respectively, to perform the duties and to exercise the powers, intrusted to them by these Regulations.

Annex C.—ARTICLE XXXIV.

The High Contracting Parties agree, that if in future it should appear necessary to adopt new measures in consequence of those which are laid down in this Annex turning out inefficacious, the said High Contracting Parties will consult together and agree upon other means better adapted for the complete attainment of the objects they have in view.

British Draft.

Portuguese Alterations.

cious, the said High Contracting Parties will consult together, and agree upon other means better adapted for the complete attainment of the object proposed.

The Undersigned Plenipotentiaries have agreed, in conformity with the

A. XVth Article of the Treaty signed by them on this day, the

B. of that *the preceding*

C. Regulations, consisting of *Thirty-three* Articles, shall be annexed to the said Treaty, and be considered an integral part thereof.

The of

(L.S.)

(L.S.)

Annex C.—ARTICLE VIII.

A. *Altered to 12th.*

B. *Altered to this Annex.*

C. *Altered to eight.*

Remarks.	Passages as they are now to stand.
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The Undersigned Plenipotentiaries have agreed, in conformity with the XIVth Article of the Treaty signed by them on this day, the of that the preceding Regulations, consisting of Thirty-four Articles, shall be annexed to the said Treaty, and be considered an integral part thereof.

The of

(L.S.)

(L.S.)

No. 123.

Viscount Palmerston to Mr. Jerningham.

SIR,

Foreign Office, 23rd July, 1838.

I HAVE observed, in that copy of the Portuguese version of the treaty with Portugal, which was brought home by Lord Howard de Walden, several verbal alterations from the draft of the British version which was sent out to Lord Howard, which appear to have been made by error of the copyist.

I wish you to give your attention to this point, and that you would take great care that the copy to be signed by yourself and M. de Sá may be strictly conformable with the draft now sent out.

The Hon. G. S. S. Jerningham,
&c. &c. &c.

I am, &c.
 (Signed) PALMERSTON.

No. 124.

Mr. Jerningham to Viscount Palmerston.—(Received July 31.)

MY LORD,

Lisbon, July 21, 1838.

I HAVE the honour to transmit to your Lordship, herewith, a copy and translation of two Decrees which have appeared in the "Diario de Governo," one of them dismissing the Governor-General of Angola, Senhor Vidal, for having given passports to slave vessels, the other directing him to return immediately to Europe.

This dismissal your Lordship will recollect, was promised in a note to Lord Howard de Walden more than two months ago, in consequence of an official complaint sent in by your Lordship's directions, respecting the conduct of Senhor Vidal.

It is to be hoped that this step may prove indicative of the Portuguese Government's sincerity in their frequently expressed wish for the abolition of slave trade, but I also feel the possibility of its being merely for the purpose of allaying the eagerness of England, considering the time which has elapsed between the promise and the performance, the period at which the recall has been announced, and the general tone maintained respecting the pending treaty. For I regret to say that I have observed no change of tone whatever upon the subject, but rather an adherence to those arguments and excuses, which were started from day to day during the late negotiation, until it became clear to Lord Howard, that Viscount de Sá did not intend to sign any Treaty.

Viscount de Sá has desired me to express to your Lordship the wish of this Government, that the British cruizers nearest Angola should be instructed to co-operate with those of Portugal, in lending assistance to suppress any commotion which might take place in that colony on account of Senhor Vidal's dismissal. The Viscount added, that the Portuguese vessel of war "*Urania*," would shortly leave for Angola.

I am told that the new Governor is to be Senhor Luna; it seems probable he will go out in the above-mentioned vessel. I learn that both Senhor Vidal and his reported successor belong to the Exaltado party.

The Danish Vice Consul in the Cape de Verd Island St. Jago, has been deprived of his exequatur for being concerned in the slave trade; it is to be observed that he is a Portuguese subject.

I have, &c.
 (Signed) G. S. S. JERNINGHAM.

P.S. I have the honour to acknowledge the receipt of your Lordship's Despatch of the 13th July, marked Slave Trade.

First Enclosure in No. 124.

Decree,

(Translation.) *Department of State for the Affairs of Marine and Colonies.*

It having been officially notified to me that Colonel Manoel Bernardo Vidal, Governor-General of Angola, abusing the confidence which I placed in him when I

appointed him to that important post, has given passports to many vessels, which after having deceitfully given out that they were sailing in ballast from the ports of Angola, had in fact, entered those of America laden with slaves, I am pleased to dismiss the said Manoel Bernardo Vidal, from the said post of Governor of Angola as having ceased to be worthy of my confidence.

Viscount de Sá da Bandeira, President of the Council, &c. &c. will see the same executed.

Palace of Cintra, July 14, 1838.
(Signed) THE QUEEN.
VISCOUNT SA DA BANDEIRA.

Second Enclosure in No. 124.

(Translation.)

HER Majesty the Queen commands through the department of Marine and Colonial affairs, that the enclosed copy of the Decree of the 14th instant, by which she was pleased to dismiss the Colonel Manoel Bernardo Vidal from the post of Governor-General of the Province of Angola, be transmitted to him, and ordains further, that in conformity with the spirit of the said Decree, he shall immediately quit the Province and return without loss of time to Europe, investing the council of Government with the administration of the said Province, as determined by the seventh Article of the Decree of December 7th, 1836, and a royal order from this Department, dated the 14th instant.

Palace of Cintra, July 17th, 1838.
(Signed) SA DA BANDEIRA.

No. 125.

Viscount Palmerston to Mr. Jerningham.

SIR,

Foreign Office, August 4, 1838.

I HAVE received your Despatch marked Slave Trade of the 21st of July, 1838, stating that the Portuguese Government had removed the Governor of Angola from his Government, for having granted passports to slave vessels, and that the Exequatur granted to a Portuguese subject, as Danish Consul at Cape Verds, has been taken away from him on account of his having been concerned in Slave Trade.

You will express to M. Sá da Bandeira, the sincere satisfaction, with which Her Majesty's Government have learnt these dismissals, which they wish to look upon as an earnest of an intention on the part of the Portuguese Government to co-operate zealously with Great Britain, in putting an end to Slave Trade under the Portuguese flag.

You will impress upon M. de Sá, that such co-operation can be accomplished only by the signature of the Treaty, which has been proposed to Portugal on the part of Great Britain.

The Honourable G. S. S. Jerningham,
 &c. &c. &c.

I am, &c.
(Signed) PALMERSTON.

No. 126.

Mr. Jerningham to Viscount Palmerston.—(Received August 6.)

MY LORD,

Lisbon, July 30, 1838.

I HAD the honour to receive yesterday your Lordship's Despatch of the 23d inst., marked Slave Trade, transmitting to me an Amended Draft of Treaty upon Slave Trade, to be presented to the Portuguese Government. I shall not fail to send it in as soon as it can be copied.

I waited upon Viscount de Sá to-day, to inform him of what I had received, and I thought it advisable to communicate to him confidentially your Lordship's Despatch.

The Viscount thought that a reference to the Cortes would be necessary before Ratification. I said that I could not see why, since there was no ques-

tion of a Treaty of either Commerce, Alliance, or Subsidy. He replied, that there was question of Commerce,—I rejoined, that the Commerce sought to be abolished was illegal by the laws of Portugal. His Excellency still considered that the Cortes must be referred to, but added, that it was a point to be decided by the Cabinet.

I begged Viscount de Sá not to look upon me as a negotiator, since I considered myself as furnished only with the power of presenting the Draft and signing it.

The Viscount reverted with some apparent regret, to the time when, as he said, Lord Howard and himself were on the point of signing a Treaty. I observed, that I had reason to believe Lord Howard did not consider he had been so on the point of signing, since difficulty after difficulty had been raised, until his Lordship could remain in Lisbon no longer.

After seeing Viscount de Sá, I called on General Bomfim, and ventured to shew him the Despatch also. He read it with very great attention, and seemed considerably disappointed, that no sort of guarantee of the Colonies was conceded, contending there would be great danger of rebellion. I reminded him (as I had Viscount de Sá) that according to the memorandum presented to the latter by Lord Howard, England would be ready to listen to any proposition for securing succour in case of disturbance, after the Treaty should have been signed.

I have, &c.

(Signed)

G. S. S. JERNINGHAM,

The Right Honourable Viscount Palmerston, G.C.B.,

&c.

&c.

&c.

No. 127.

Mr. Jerningham to Viscount Palmerston.—(Received August 14.)

(Extract.)

Lisbon, August 6, 1838.

I HAVE the honour to transmit to your Lordship herewith, a copy of the note which I have addressed to Viscount de Sá da Bandeira, dated the 1st instant, and founded on your Lordship's Despatch of the 23d of July last, upon sending him the Amended Draft of Treaty for the suppression of Slave Trade; as also, copies of two other notes, which I addressed to His Excellency at the same time; the one informing him that I had received a full power to sign the Treaty, and the other transmitting to him a copy of the late unanimous address of the House of Commons to the Queen upon Slave Trade, and of Her Majesty's answer thereto.

I asked Viscount de Sá to-day, if he had any thing to communicate to me upon the subject, when he replied in the sense that he had hardly had time to peruse the Draft. I then told His Excellency that I should be ready any day to give him explanations of your Lordship's reasons for not consenting to some of the alterations proposed by him during the negotiations with Lord Howard; but he did not seem to think, that such explanations could have much object, for he named no time, nor expressed any desire to receive them.

First Enclosure in No. 127.

Mr. Jerningham to Viscount de Sá da Bandeira.

THE undersigned, &c. &c. has been instructed by his Government to communicate to his Excellency the Viscount de Sá da Bandeira, &c. the accompanying draft of a Treaty for suppressing the Traffic of Slaves, which he lately received from London.

Her Majesty's Government have considered with attention the counter draft of Treaty with Portugal upon the Slave Trade, which was taken to England by Lord Howard de Walden, and which contained the alterations made by His Excellency the Viscount de Sá da Bandeira upon the amended draft of Treaty sent out by Her Majesty's command to Lord Howard on the 24th of March 1838, and afterwards modified by Viscount Palmerston's instructions of the 5th of May, 1838.

Her Majesty's Government had hoped that the draft of Treaty so furnished to Lord Howard, and embracing, as it did, every alteration which had at that time been

proposed by the Portuguese Government, and which was not at variance with the simple and direct object of the Treaty, would have satisfied the Government of Portugal, and have been acceded to without any further difficulty.

Her Majesty's Government have perused with great care the counter draft, brought to London by Lord Howard, and have made thereupon every concession which can be consented to, without prejudice to the objects for which the Treaty is to be concluded.

The accompanying draft of Treaty is simplified in its preamble, and in many of its stipulations; and in compliance with the desire of the Government of Portugal, some new stipulations have been inserted, and some of the stipulations formerly proposed have been either altered or wholly omitted.

The Treaty, as it now stands, cannot be considered a Treaty of alliance, of subsidy, or of commerce; it is simply an agreement to establish Colonial Commissions, and Regulations of Maritime Police for the attainment of the object which both parties declare themselves to have equally at heart, and to carry into execution the existing laws of both countries.

The undersigned has been instructed to observe to his Excellency the Viscount de Sá da Bandeira that any further delay in concluding this Treaty, or any further proposal of alterations in this draft, must be considered by Great Britain as tantamount to a refusal on the part of Portugal to fulfil the engagements by which she is bound in this matter.

The undersigned has been directed to add, that Her Majesty's Government trust that it may be found consistent with Portuguese law, that the Queen of Portugal should ratify this convention without waiting for the assembling of the Cortes.

The undersigned is also instructed to state that Her Majesty's Government hope, and earnestly request, that the Portuguese Government will assimilate the law of Portugal against Slave Trade to the law of Great Britain, and the undersigned has been ordered to explain, that his Excellency's objections to such an assimilation seem to be founded in error.

His Excellency is understood to have said, that Slave Trade could not be declared piracy in Portugal, as it is in England, because the Portuguese Legislature would not make Slave Trade a capital offence, which it must be if declared to be piracy; but, though Slave Trading is by the law of England piracy, the offence is punishable by transportation, and not by death; and, therefore, the government of Portugal might assimilate the Portuguese law against this crime to the English law, without thereby making the offence a capital crime.

The punishment of transportation cannot well be deemed too great for a crime which inflicts every year forcible transportation, accompanied by the most extreme of human misery, upon hundreds of thousands of unoffending men, women, and children.

The undersigned has been further directed to state to his Excellency the Viscount de Sá da Bandeira, that he is instructed positively to refuse to send back again to his Government any of the Portuguese propositions, which Her Majesty's Government have, upon full consideration, rejected.

With respect to the proposed guarantee of the Portuguese Colonies, the undersigned is instructed to state that Her Majesty's Government consider such a demand on the part of Portugal unreasonable, and that it is entirely inadmissible by Great Britain.

Lisbon, 1st August, 1838.

The undersigned, &c. &c.

(Signed) G. S. S. JERNINGHAM.

Second Enclosure in No. 127.

Mr. Jerningham to Viscount de Sá da Bandeira.

Lisbon, August 1, 1838.

THE undersigned, &c. &c. has the honour to inform His Excellency the Viscount de Sá da Bandeira, &c. &c. that he has received a full power, which the Queen has been graciously pleased to grant to him, authorizing and empowering him to conclude and sign, with the Minister or Ministers duly vested with similar power and authority on the part of the Queen of Portugal, a Treaty between Her Majesty and Her Most Faithful Majesty for the suppression of the traffic in slaves.

The undersigned, &c.

(Signed)

G. S. S. JERNINGHAM.

To His Excellency the Viscount de Sá da Bandeira, &c.

&c.

&c.

&c.

Third Enclosure in No. 127.

Mr. Jerningham to Viscount de Sá da Bandeira.

The undersigned, &c. &c. has the honour to transmit herewith to His Excellency the Viscount de Sá da Bandeira, &c. &c. by order of his Government, a copy of a Resolution, which was voted unanimously by the House of Commons on the 10th of May, 1838, for an address to Her Majesty upon Slave Trade, and a copy of the answer, which on the 23rd of the same month, Her Majesty was pleased to return to that address.

His Excellency the Viscount de Sá da Bandeira will see from these papers the increasing and anxious desire of the Parliament and Government of Great Britain for the extinction of the traffic in Slaves.

The undersigned is further instructed to press earnestly upon the Government of Her Most Faithful Majesty, the immediate conclusion of the Negotiation with which he is charged on that subject.

(The undersigned, &c. &c.)

(Signed)

G. S. S. JERNINGHAM.

Lisbon August 1, 1838.

To His Excellency the Viscount de Sá da Bandeira,
 &c. &c. &c.

No. 128.

Viscount Palmerston to Mr. Jerningham.

SIR,

Foreign Office, August 18th 1838.

I HAVE received your Despatch, Slave Trade, of the 6th of August, 1838, containing a statement of observations made by the Viscount de Sá da Bandeira, upon the differences which exist, between the Draft of Treaty sent out to you with my Despatch, of the 23rd of July last, and the Draft of Treaty previously proposed by the Viscount de Sá, and brought home by Lord Howard.

I wish you to state to the Viscount de Sá, that Lord Howard never had any authority or instructions to agree to the Treaty, as it was proposed by the Viscount de Sá, and if he had done so that Treaty would not have been ratified on the part of Her Majesty.

I am, &c.

(Signed)

PALMERSTON.

To the Honourable G. S. S. Jerningham,
 &c. &c. &c.

No. 129.

Mr. Jerningham to Viscount Palmerston.—(Received August 20.)

(Extract.)

Lisbon, August 13th, 1838:

I HAVE the honour to acknowledge the receipt of your Lordships Despatch, marked Slave Trade, of the 4th inst., directing me to express to Viscount de Sá da Bandeira the sincere satisfaction of Her Majesty's Government, at the dismissal of the Governor of Angola, and of the Danish Consul at the Cape de Verde, for participating in Slave Trade; but also to express the conviction of Her Majesty's Government, that Portugal could fully co-operate with Great Britain, for putting an end to Slave Trade under the Portuguese Flag, only by the signature of the proposed Treaty.

I yesterday communicated the Despatch to Viscount de Sá, when he expressed satisfaction at the sentiments it contained.

I afterwards asked the Viscount, if he could tell me anything to impart to your Lordship concerning the Treaty. His reply was, that he had not yet worked at it.

I fear that the system of gaining time is still being pursued, and I regret to have to state to your Lordship, that I have neither seen nor heard anything since Lord Howard's departure, to make me believe that more readiness existed to settle the question, than during His Lordship's Negotiation with Viscount de Sá.

The general cry seems to be, that by signing the Treaty Portugal would lose her African Colonies. It appears equally prevalent amongst Portuguese

and Foreigners. I have observed that if Slave Trade was the only tie between those Colonies and the Mother Country, the time appeared to have arrived when they ought to separate, but also that there could not be any immediate danger of such separation, on account of suppression of Slave Trade; since however ready the inhabitants of Angola or Mozambique might be to rebel against any *inadequate* attempt at suppression on the part of Portugal, they would hardly rise against *adequate* means of abolition on the part of both Portugal and England; more especially when it should be known, that England was ready to afford naval succour to the Portuguese Authorities in case of need; that, with respect to the future, the immense disproportion of size between Portugal and her African Colonies seemed to point out, that she might one day have to undergo in Africa, what she had undergone in South America, and what England herself had undergone in North America; and that the present and the future were distinct questions, and that it was most ~~un~~reasonable on the part of Portugal to confound them, as she had done by her proposition of a guarantee, whereby England would in point of fact, be obliged to maintain a separate force, for the purpose of assisting another country in an undertaking more or less at variance with the nature of things, and which she Herself had once failed in attempting.

No. 130.

Viscount Palmerston to Mr. Jerningham.

SIR,

Foreign Office, 23rd August, 1838.

I SEND to you, together with this Despatch, a letter which has been addressed to Her Majesty, enclosing the copy of a memorial, which was addressed to Her Most Faithful Majesty by Senhor A. Joze da Franca e Almeida.

Senhor Almeida states, that the Governor of the Portuguese Island of St. Thomas suspended him from his office as Judge in that island, in consequence of his endeavours to carry into effect the laws of his country, and the ordinances of Her Most Faithful Majesty, for the suppression of Slave Trade.

M. d'Almeida further states, that the crime of Slave Trade is openly carried on in the Island of St. Thomas.

You will place these papers in the hands of the Viscount de Sá da Bandeira.

(Signed)

I am, &c.
PALMERSTON.

The Hon. G. S. S. Jerningham,
&c. &c. &c.

Enclosure in No. 130.

(Translation.)

Senhor Anaelito Joxé da Franca e Almeida to her Majesty.

MADAM,

Isle of St. Thomas, May 10, 1838.

I CANNOT forbear bringing under your Majesty's notice what has occurred in the Island of St. Thomas by enclosing a copy of the Memorial which I most respectfully have addressed to my august Sovereign Queen Donna Maria II., in order that your Majesty, as the most strenuous defender of the Queen of Portugal, may be pleased to take cognizance of the Memorial, and cause it to be conveyed to the Royal presence of my Sovereign, requesting at the same time Her Most Faithful Majesty's speedy decision, to the end that the resolutions of both your Majesties may be promptly carried into execution, and that redress and tranquillity may be

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afforded to him who, with the most profound respect, has the honour to class himself among the members of those enjoying your Majesty's protection.

(Signed)

ANAELITO JOZE DA FRANCA E ALMEIDA.

Her Majesty the Queen of Great Britain and Ireland.

Sub-Enclosure in No. 130.

Memorial of Anaelito Jozé da Franca e Almeida to the Queen of Portugal.

MADAM,

ANAELITO JOZE DA FRANCA E ALMEIDA, an inhabitant of the Island of St. Thomas, and a subject of your Majesty, appears at the foot of your Royal Majesty's throne, being convinced that he shall meet with protection in the very dangerous plight to which he is reduced, solely from his desire to carry your Majesty's laws into effect, and execute the Royal decree for the extinction of the Slave Trade, he holding the office of Judge in ordinary in this Island, as he is about to state. In this character with which he was invested by the suffrages of the people, in conformity with the laws now happily in force, he came to learn on the 29th March, through the information of Jacinto Manoel, that the schooner, "*Minerva e Conceição*" had approached the plantation Agoa Joze of this island (said schooner being owned by Caetano Jozé Diaz, an inhabitant of this island, an agent of the Custom-house, and Procurator of the Crown), and had landed a number of new slaves, purchased in the port of Cape Loupo, informant having referred for the evidence of disembarkation to Manoel de Espirito Santo, Maria do Rozario, and Ignez Fernandez, it will appear from document No. 1. In consequence of which information Memorialist went to the spot above indicated, and ascertained that there was no doubt about the fact.

Accordingly, he issued the order No. 2, for apprehending Caetano, that there might be no question respecting the matter. But Caetano having received intelligence absconded. Memorialist, nevertheless, continued the investigation, with the view of being better enabled to decide what penalty by law was due to the crime in question. While thus engaged in the discharge of his duty, Memorialist, on the 6th April, received an order from the Military Governor (No. 3), suspending him from his office of Judge, and appointing in his place citizen Manoel Jozé Almeida Cabral Ozorio. Here Memorialist begs leave to state to your Majesty the reason both of his suspension and of the fresh nomination. Memorialist was suspended to prevent him from prosecuting the above inquiry, and for the purpose of screening citizen Caetano Jozé Diaz from being punished for his crime, inasmuch as he is in favour with the Military Governor, Colonel Leandro Jozé da Costa. The new appointment proceeded from the circumstance of Osorio being one of those who enjoy the friendship and protection of the Governor, and from Ozorio's being both his Secretary and Aid-de-camp. All this made against Memorialist, on the sixth day after whose suspension, citizen Caetano made his appearance in town to tamper with the witnesses, and buy over the informant, who being ignorant pusillanimous men, were easily intimidated by the threats of punishment, and gained over by the promise of bribes. The effrontery with which the crime alluded to is committed is carried to such a pitch, as to have made the offender publicly boast that he would reduce Memorialist to the utmost misery, as he, Caetano, had both the Governor and the Agents of Justice for his friends, and was even the intimate *protégé* of the Colonial Governor, which is submitted by documents 4, 5, and 6. Caetano presuming on this protection, went so far as to insult Memorialist, by presenting a requisition to the said Justice, his friend, in which he not only much abused Memorialist, but owned the crime of the schooner "*Minerva e Conceição*," being his property, which is proved by No. 7. Memorialist having been deprived of all means, not only for making his defence, but for transmitting his representation to your Royal Majesty, together with the above-mentioned documents, these papers are sent without first making the circuit of India and China, in conformity with the Royal Orders, as Memorialist did not dare venture forwarding them by that conveyance for fear of his packet being broken open, and its contents abstracted. Your Majesty will deal with this reclamation as is most fitting, that the crime under review may not go unpunished, and the quarter where its commission is most frequent not be overlooked. May your Royal Majesty's reign be protracted to the remotest period, according to the desires of your Majesty's subjects, since your

Majesty is the Mother and protectress of those who, like Memorialist, are oppressed by arbitrary Colonial Governors that, listening only to their passions, countenance favourites, and tread under foot those who wish to execute the wise laws of your Majesty.

Your Majesty's faithful subject,

ANAELITO JOZE DE FRANCA E ALMEIDA.

St. Thomas 10th May, 1838.

No. 131.

Mr. Jerningham to Viscount Palmerston.—(Received September 4.)

MY LORD,

Lisbon, 27th August, 1838.

I COMMUNICATED to-day to Viscount de Sá your Lordship's Despatch (marked Slave Trade) of the 18th instant, directing me to inform him, that Lord Howard had never had any instructions or authority to agree to the Slave Trade Treaty, as proposed by Viscount de Sá, and taken home by his Lordship; and that if he had done so, that Treaty would not have been ratified on the part of her Majesty. The Viscount made no observation upon it. I then inquired, if any decision had been come to respecting the Treaty last proposed. Viscount de Sá answered that his time had been much taken up by the elections, but that he was occupied upon the Treaty.

I have been unable to learn anything worth communicating to your Lordship respecting the Government's intentions upon the subject.

I have, &c.

(Signed)

G. S. S. JERNINGHAM.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

No. 132.

Viscount Palmerston to Mr. Jerningham.

SIR,

Foreign Office, 7th September, 1838.

YOUR Despatches marked Slave Trade have been received to that of the 27th ultimo. I regret to find from this last-mentioned communication, that you have been unable to learn anything respecting the intentions of the Portuguese Government as to the draft of Treaty proposed to them by you in your note of the 1st of August last; and I have to desire, that you will state to Viscount de Sá that, nearly five weeks having now elapsed since the Treaty was placed in the hands of the Portuguese Government, you are instructed to press for a decisive answer, whether that Government will, or will not, accept that Treaty.

I am, &c.

The Hon. G. S. S. Jerningham,

(Signed)

PALMERSTON.

&c.

&c.

&c.

No. 133.

Mr. Jerningham to Viscount Palmerston.—(Received September 17.)

MY LORD,

Lisbon, 7th September, 1838.

I HAVE placed in the hands of Viscount de Sá the papers transmitted to me with your Lordship's Despatch, marked Slave Trade, of the 23rd ultimo. He did not deny, nor give any explanation of, the dismissal of the late Judge of St. Thomas's, Senhor A. José da Franca e Almeida, and contented himself with informing me, that a new Judge, as well as a new Governor, had been sent out there some months ago; that news of their arrival had not yet been received, and that the vessel of war "Algarve" had also been sent there with instructions to oppose the Slave Trade.

Your Lordship will recollect, that the new Governor of St. Thomas's went

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out in the "Rose du Tage," which was known to have on board the equipment articles necessary for a Slave Trade expedition.

I have, &c.

(Signed)

G. S. S. JERNINGHAM.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

No. 134.

Mr. Jerningham to Viscount Palmerston.—(Received September 17.)

(Extract.)

Lisbon, 8th September, 1838.

VISCOUNT DE SA having told me, that his brother, who was just come back from London had informed him, that Lord Howard intended returning here about the beginning of November, I brought on the subject of the Slave Trade Treaty by asking, whether his Lordship or myself was to sign it. In reply, the Viscount stated, for the second time, that the elections had much occupied him, but that he was employed upon the Treaty. He further made use of some expressions in the sense, that really the business must be made haste with. I rejoined, that if he was willing to sign the Treaty, it could be done forthwith, since I had no power to negotiate; what I had proposed being England's ultimatum. His Excellency made no further observation.

No. 135.

Mr. Jerningham to Viscount Palmerston.—(Received October 2.)

(Extract.)

Lisbon, September 20th, 1838

IN compliance with the instruction contained in your Lordship's Despatch, (marked Slave Trade,) of the 7th inst., I have stated to Viscount de Sá, that I was directed to press for a decisive answer, whether the Portuguese Government would or would not accept the Treaty proposed to them by my note of the 1st of last month.

The Viscount said, in reply, that I should soon hear from him upon the subject; but I regret much to have to state, that our subsequent conversation seemed to make it clear, that the Treaty would not be agreed to. I found Viscount de Sá adhering to the usual arguments upon the disputed points. On this occasion, however, his objections were the most strongly addressed to making the Treaty perpetual. He contended, that such a course might prove highly inconvenient, since, at the end of ten years, the object of the Treaty might have been attained, when a continuance of some of its provisions might be extremely troublesome; such, for example, as the right of search, by which there would exist the power to impede navigation, where no useful end was any longer to be gained by it; but, however, that the great principle of the treaty (viz. that Slave Trade was for ever abolished) would always remain in force between the two nations.

I observed, that the object of the Slave Trade Treaty was to put down Slave Trade completely and perpetually, whereas the revision clause, which he desired, would enable Portugal to revive the traffic at the end of ten years, since the declaration of perpetual abolition between England and Portugal would be as useless as the existing Portuguese law of abolition, if all the executory clauses were suspended; and that, as to needlessly making use of the right of search, it was not to be supposed that England would send her cruisers about the Atlantic and Indian Oceans, merely for vexation.

The Viscount made several observations, to prove that the Portuguese Slave Trade could not fail to be put down in the course of ten years, and that Portugal would not raise any difficulty to the Treaty's continuing in full force for a longer period, should its object have not then been attained.

I contended that it was *certainty*, and not *probability*, which we sought, and that such security could exist only in the treaty's perpetuity. I observed also, that there could be no reason for supposing that England would object to altering any provision which might have become unnecessary and inconvenient.

I used every other argument I could think of to alter the Viscount's opinions, but apparently to no purpose whatever.

In conclusion, I begged Viscount de Sá to consider the pledges under which the British Government were to the Parliament respecting Portuguese Slave Trade; when he replied in the sense, that the British Government might do what they liked. He appeared also to think we should be in no hurry to settle the question sooner than by the next meeting of Parliament.

I must do Viscount de Sá the justice to say, that in the course of our conversation he warmly expressed his anxiety to see the Slave Trade abolished, not only on account of its cruelty, since the negro differed from ourselves only in colour, but also because the African colonies of Portugal could never flourish while it lasted, though possessing vast capabilities of prosperity.

He observed, moreover, that the importation of slaves into Brazil was immense, and that they were cheaper than when the traffic was legal, there being now no duty upon them.

I must not omit to state, that Viscount de Sá, in order to prove the real nature of Portugal's obligations to England relative to the Slave Trade, quoted the Separate Article of the 11th September, 1817, which stipulated that the Convention of 1817 *might* last fifteen years after Portugal had abolished her Slave Trade.

The Viscount did not fail also to advert to the guarantee of Portugal's having the power to demand a fixed number of British troops in case of actual necessity; but on that point he spoke less decidedly than regarding the Treaty's being made perpetual.

As a proof of the unsuitableness of making treaties in perpetuity, Viscount de Sá instanced the misunderstandings which occasionally occurred respecting British privileges. I took the opportunity of observing, that if Portugal deemed those privileges no longer applicable, it would be better that she should come to an official understanding with England upon the subject, than that indirect, and consequently illegal, attempts should be made to neutralize them.

No. 136.

Mr. Jerningham to Viscount Palmerston.—(Received October 2.)

MY LORD,

Lisbon, September 24, 1838.

I HAVE the honour to transmit to your Lordship herewith, a copy and translation of a note which I have received from Viscount de Sá da Bandeira, requesting me to apply to my Government for an account of Portuguese vessels condemned for Slave Trading by the Mixed Commission of Sierra Leone, since the month of March, 1825.

I have, &c.
(Signed)

G. S. S. JERNINGHAM.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

Enclosure in No. 136.

Viscount de Sá da Bandeira to Mr. Jerningham.

Foreign Department, 15th September, 1838.

IT having become necessary that the Government of Her Majesty should have an exact knowledge of the name and class of the various Portuguese vessels which have been captured since the month of March, 1825, up to the present time, by the British cruisers, and carried for adjudication before the Mixed Commission of Sierra Leone, for being employed in the Slave Trade, and also of the sentences pronounced upon the same by the said Commission, as well as of the state of the accounts of the funds proceeding from the captures, administered by that Commission during the said period, and in general whatever regards the above-mentioned traffic, as connected with this court, I have the honour therefore of

addressing myself directing to you, requesting you will be pleased to obtain for me from your Government the above-mentioned intelligence.

I have, &c.

(Signed)

SA DA BANDEIRA.

The Hon. G. S. S. Jerningham,
&c. &c. &c.

No. 137.

Mr. Jerningham to Viscount Palmerston.—(Received October 16.)

MY LORD,

Lisbon, October 8, 1838.

I HAVE the honour to transmit to your Lordship herewith a copy of Viscount de Sá da Bandeira's answer to my note of the 1st of August, which transmitted to his Excellency the ultimate stipulations to which Her Majesty's Government could agree for a Slave Trade treaty.

This communication being extremely long, and having reached me only yesterday evening, I am not able to forward a translation of it by this steam-boat.

The upshot of the note is a positive rejection of the Treaty last proposed, and an offer to sign that which was taken home in May by Lord Howard de Walden.

I have, &c.

(Signed)

G. S. S. JERNINGHAM.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

Enclosure in No. 137.

Viscount de Sá da Bandeira to Mr. Jerningham.

(Translation.)

THE undersigned President of the Council of Ministers, Minister and Secretary for Foreign Affairs, has had the honour to receive the note which, under date of the 1st of August was addressed to him by G. S. S. Jerningham, Esq., Chargé d'Affaires of Her Britannic Majesty, and in which he enclosed a new project of treaty between the two Crowns of Portugal and Great Britain, for the suppression of the Slave Trade.

The gravity and importance of the contents of that note made it indispensable to enter on a long and mature examination, as well of the project and of the annexes which accompanied it, as of all the antecedent labours undertaken for these many years past, in the course of the negotiation between the two Governments of Portugal and Great Britain, respecting the conclusion of a new treaty for abolishing the Slave Trade.

Hence the present reply, which the undersigned, in compliance with orders from Her Majesty, has the honour to return to Mr. Jerningham, with the view of being transmitted to his Government, has taken more time, and will go more into particulars.

In that note Mr. Jerningham commences by saying, "that his Government would consider with attention the counter-project of treaty, taken to England by Lord Howard de Walden, and containing the alterations made by the undersigned in the amended project of treaty, which, by order of the British Government, was sent to Lord Howard de Walden on the 24th of March last, and afterwards modified, according to instructions from Lord Palmerston of the 5th of May last."

Before going further, the undersigned must cause it to be observed, that he gave to Lord Howard de Walden no other counter-project of treaty than that which he sent to Lord Howard de Walden, with his note of the 4th of May, 1837, in which the said Treaty was made to harmonize with the Decree of the 10th of December, 1836, which totally abolished that traffic in the Portuguese dominions, adopting also, "in it," some stipulations which, having been admitted into the conventions concluded between Great Britain and France on the 30th November, 1831, and on the 22nd March, 1833, and to which several other powers acceded, there was every reason to expect that they would not fail obtaining the assent of the British

Government in a Treaty with Portugal. But this just expectation was disappointed; for the British Government refused agreeing to the counter-project in question.

Lord Howard de Walden presented afterwards a new project of Treaty, which, for the space of six weeks, was minutely discussed with him by the undersigned, article by article; and both of them were already agreed, as well with regard to the stipulations of the body of the Treaty, as to its three annexes. They only differed respecting the guarantee which the undersigned required Great Britain should give to Portugal, for maintaining her African dominions in due obedience for all the time that the Treaty was to last. Lord Howard de Walden, by order of his Government, offered to Portugal, in case of any revolt breaking out in those dominions, only a naval succour for the space of two years, with the limited object of preventing the result mentioned in that offer, and calculating those two years from the conclusion of the Treaty.

The British Plenipotentiary was aware of the peculiar circumstances in which Portugal is placed, and of the precautions she necessarily must take with respect to her dominions in Southern Africa, where, during these last years, the cupidity and fraud of foreign and Portuguese speculators have established one of the principal markets of their infamous traffic.

The same Plenipotentiary was not ignorant that the spirit of disobedience to the decree of the 10th of December, 1836, which abolished the Slave Trade in all Portuguese dominions, had manifested itself there; and he could not help discerning how different the situation of Portugal was from that of Spain, whose subjects carry on that traffic by importing slaves into their colonies, while, in the Portuguese dominions, they form one of the principal branches of exportation.

The discussion of this important point of the guarantee, had, by common accord, from the beginning, been reserved for the time when the whole Treaty should be gone through; and when the discussion was drawing towards its close, and the Treaty about to be signed, it was not possible to realize the signing, inasmuch as there was not time sufficient for making a fair copy of the whole Treaty, and of its annexes, before Lord Howard's departure for London, which, being near the day fixed for the Coronation of Her Britannic Majesty, he said he could stay no longer, as the two packets in which he had written to London that he would take his passage had already sailed, he not having embarked, to enable him to finish the negotiation. It is therefore not to Her Majesty's Government that the not signing the Treaty must be ascribed, but to the urgent necessity of the British Plenipotentiary to take his departure.

Lord Howard took to London a copy of the said Treaty on which he had agreed with the undersigned; and such a document, resulting from a long discussion between the Plenipotentiaries of the two nations, during which Lord Howard had received instructions about it, which he showed to the undersigned, can by no means be considered as a mere counter-project, which is always presented by one of the contracting parties, to replace the project produced by the other party, but it is in fact a Treaty already agreed upon between the two Plenipotentiaries,

Mr. Jerningham further says, that the British Government had hoped that the Project of Treaty, transmitted by it to Lord Howard de Walden, seeing that it included all the alterations proposed at that time by the Portuguese Government, and which were not discordant from the simple and direct object of the Treaty, would have satisfied the Portuguese Government; and that the latter would have acceded to it without any further difficulty.

This new Project then, presented by Lord Howard de Walden, was very far from being in unison with that antecedently discussed with him by the Duke of Palmella, from which it greatly differed by the frequent alterations introduced into the Preamble and into its Articles, whereof, for the sake of brevity, not all shall be specified, it being sufficient to particularize the following as the most essential:—

In the Preamble of the Project discussed between the Duke of Palmella and Lord Howard de Walden, it was said that the separation of Brazil had annulled, *de facto*, the only reservation that had been stipulated by Portugal in the Treaty of 1815, and in the new Project the essential words *de facto* were omitted.

In Article 4 of the former Project it was declared, that the Two High Con-

tracting Parties mutually renewed the *consent* already stipulated by the Convention of the 28th July, 1817, for their ships of war being allowed to visit the merchant-ships of both nations; and, in the 4th Article of the new Project it was said, that they mutually renewed the said Convention for the ships of war being allowed to make that visit; there being a prodigious difference between *renewing a consent given to any Convention*, and *renewing that Convention*.

In the 6th Article of the new Project the word *compensation* was put for *indemnification*, which stood in the anterior Project, and, as the latter has a much ampler meaning, it would not therefore be expressed enough, nor be replaced by the former.

In the second part of Article 8 of the new Project a stipulation was proposed, analogous to that of the 15th Article of the preceding project (already very unhandsome towards Portugal), that so long as there should not exist a Mixed Court of Justice in the Portuguese Dominions, the Britannic Brazilian Mixed Commission at Rio de Janeiro should be authorized to adjudicate the cases of Slave Trade that occurred under the Portuguese flag. Now in the new Project there was added, that if the Brazilian Commissioners should refuse adjudicating the Portuguese ships, the British Commissioners should be authorized to judge them, so long as no Portuguese Commissioners were sent to Rio de Janeiro, or while there should not exist a Mixed Commission in some of the Portuguese dominions.

The Brazilian Government, being no party to this Treaty, very naturally not only prohibited the Brazilian Commissioners from taking cognizance of cases of illegal Slave Trade imputed to Portuguese ships, but did not even permit the British Commissioners to exercise in Brazil judicial acts in respect to a third foreign power, and for the same reason, it refused admittance there to the Portuguese Commissioners, whence it resulted that the stipulation alluded to was adopted, though unaccompanied by this slur on the dignity of the Portuguese government and nation.

The provision contained in Article 3 was a great deal more restricted than in the preceding Project, in regard to the freedom of communication between the Portuguese dominions; and particularly, where it was required, that it should not be lawful for the colonists to take slaves with them, except they were in their family, and that they sailed from the African coast direct to the Cape Verd Islands, or to those of St. Thomas or Princes.

In Article 11 of the new Project, the conclusion of Article 12 of the anterior Project, was omitted, which Article resembled Article 11 of the Treaty between Great Britain and Spain, of the 28th June, 1835, and by which the Mixed Commissions were authorized, if they deemed it due to equity, to pay into the coffer of prizes some sum proportionate to the days of demurrage suffered by those ships, which, notwithstanding that they carried some of the objects prohibited by the preceding Article, had not been condemned.

In the new Project was omitted Article 17 of the anterior, in which was stipulated the revival of the Treaty within ten years; a most prejudicial omission, inasmuch as the demand of the perpetuity of the Treaty might be inferred from it, which could never be admitted.

As, therefore, the new Project of Treaty, presented by Lord Howard de Walden, contained so many and such essential alterations of the Project, which had been discussed by his Lordship with the Duke of Palmella, and as, consequently, it became much more unfavourable to Portugal, there was no ground for the British Government to suppose that Her Majesty's Government would remain satisfied with the said new Project, or that it would accede to it without any further difficulties, when the latter of necessity must increase, in the ratio of the greater detriment and prejudice that would result to Portugal from such alterations.

Lord Howard de Walden acknowledged the justice of these observations, and the proper alterations were, by common accord, made in the said new Project, the Government of Her Majesty stipulating for all those concessions, required by the notorious object of the Treaty, and by the dignity and the true interests of the Portuguese Crown, whereupon a fair copy was directed to be made of the Treaty, which however could not be signed, as has already been said, by reason of the British Plenipotentiary having refused to stay a few days longer for the purpose in this capital.

Mr. Jerningham adds, "that the British Government had very carefully read the

(so called) counter-project, brought to London by Lord Howard de Walden, and had thereupon made all the concessions to which it would consent, without entrenching on the objects for which the Treaty was to be made. That the new Project of Treaty, which accompanied his just mentioned note, was simplified in its Preamble, and in many of its provisions, and that in compliance with the desires of the Portuguese Government new stipulations had been inserted in it, and many of those formerly proposed had either been altered or entirely omitted."

In the first place, the undersigned ought not to fail to take notice that, if there be any *concessions* in this transaction, they are all on the part of the Portuguese Government; inasmuch as, in conformity with what was stipulated in the separate article signed in London, the 11th September, 1817, after the abolition of the Slave Trade in Portugal, the additional convention of the 28th July of the same year was to continue in force, in the case of no other adjustment being agreed upon, till after the expiration of 15 years, to be counted from the 10th of December, 1836, that being the date of the decree by which the Slave Trade was totally abolished in the Portuguese Dominions, it indisputably follows that all the restrictions, each of them extremely important, which, by the Treaty negotiated with Lord Howard de Walden, the Portuguese Government admitted in the stipulations of that additional convention, are as many *special concessions* made by it to the British Government, by reason of the just consideration due to the intimate relations of amity and alliance, which for centuries unite the two Crowns, and to the great desire which also animates Her Majesty and her Government of contributing, as much as lies in their power, to the complete abolition of the abominable traffic in slaves.

The undersigned now proceeds to examine whether the stipulations, proposed by him and agreed to by Lord Howard de Walden, and which were excluded from the last project presented by Mr. Jerningham, prejudiced the objects of the Treaty; in what manner the latter is simplified in the project referred to; and what was the deference on the part of the present British Government towards the Portuguese in admitting the alterations proposed by the latter.

In the preamble of the last project of Treaty presented by Mr. Jerningham, which differs entirely from that previously agreed upon by the undersigned and Lord Howard, in speaking of the object of that Treaty, the traffic in slaves is defined to be the barbarous and *piratical* practice of transporting by sea the natives of Africa with the view of reducing them to slavery; and subsequently, in several articles of the same project, that prohibited traffic is declared to consist in the transporting of negroes or *others*, for the purpose of reducing them to slavery, without declaring, as it was indispensable, who those "others" were to whom the stipulations of the Treaty had reference.

In the same preamble a distinction is made between the different epochs in which the said traffic was abolished in both countries, it being stated that in Great Britain it was in 1807, and in Portugal in 1836, as if to form a contrast of how much later this country had adopted that important measure, demanded by humanity, when it ought not to have been lost sight of, that no other power made earlier and more extraordinary sacrifices to promote that abolition than Portugal; and it not having been completely carried into effect so early as 1815, in the Portuguese dominions, was owing to Lord Castlereagh, to whom the Plenipotentiaries of Portugal, at the Congress of Vienna, proposed it in exchange for the abolition of the Commercial Treaty of 1810, and who did not agree to it, alleging that he was not authorized thereto—that is, not authorized to abolish the Commercial Treaty—by his Government, as the undersigned stated to Lord Howard de Walden, in his note of the 22nd of May last.

In the second regulation of Article 2 of the last project, in laying down that the right of visit should in no case be exercised with regard to the ships of the Royal Navy of either of the two nations, the remainder of the paragraph was omitted, viz. "but only with respect to merchant-vessels," and thereafter, when, in the other articles of that project, mention is made of detained ships, or of such as ought to be detained, the same omission of the same word "merchant" is always observable, which word existed as well in the additional convention of 1817, as in the Treaty agreed on with Lord Howard de Walden, and which is necessary with a view to the clearness indispensable in such documents.

Where, in the 2d paragraph of Article 3 of the Treaty lately agreed upon, it was stipulated that the two Governments should communicate to

each other every six months, or oftener if applied to, the name and force of the ships employed in cruising to prevent the traffic in slaves, and the names of their first and second Commanders, that 2nd paragraph of Article 3 of the last project does not fix any certain time for making such communications, between the two Governments, and it is only stipulated that they shall be made successively, and when any change in the commands of the cruisers happens.

It had also been agreed upon by the undersigned with Lord Howard de Walden, in section 3 of Article 3 of the said Treaty, that, in case any ship of either of the two nations, navigating under the convoy of a man-of-war of either of them, should [become suspected by one of their cruisers, the Commander should communicate his suspicions to the Commander of the convoy, who should proceed personally, or order the officer immediately commanding under him to proceed to visit the said ship, notifying in writing the result of it to the Commander of the cruiser, and, if the suspicions were well founded, conducting or despatching the said ship to one of the points where the Mixed Commissions were established, with the view of being adjudicated there.

This stipulation was decorous to both nations, and analagous to what, in this respect, Great Britain did with France, in Article 3 of its convention of March 22. 1833.

But, in the last project, it appears to be declared, in section 3 of Article 3, that the Commander of the convoy shall proceed to visit the said suspected ship, but in company of the Commander of the cruiser who denounced it to him, a stipulation extremely unhandsome, as well with regard to the Commander of the convoy, who may be a general, while that of the cruiser is perhaps only a lieutenant, or less, as to the nation to which the convoy belongs, which almost always will be the Portuguese, seeing that all, or almost all, cruisers are British.

On purpose to prevent the repetition of outrages such as that committed in the port of Mozambique, by the brig "Leveret" on the Spanish brig "Diogenes," it was deemed proper to adopt, in paragraph 4 of Article 3 of the Treaty lately negotiated with Lord Howard de Walden, the stipulation of paragraph 2 of the instructions annexed to the additional convention of the 28th July, 1817, in order that it should never more be permitted to cruisers to visit or detain any ship, while she was in any port, bay, or creek, belonging to each of the contracting parties, or within musket-shot, &c.

In paragraph 4 of Article 3 of the last project it is declared, that it shall not be lawful to make this visit to ships *at anchor*, in any port, creek, &c. omitting not only the word *bay*, but making it appear that, as ships at anchor are referred to, they would, the moment they should weigh anchor, be exposed to the risk of being visited, even in ports, &c. which never could be admissible.

In the fourth Article of the last project, the word compensation is again substituted for that of indemnity, which is much more comprehensive, and was adopted in the fourth Article of the Treaty lately arranged with Lord Howard de Walden.

In the fifth Article of the last project, corresponding to Article 7 of the said Treaty, that most essential clause contained in it was omitted, that none of the provisions of that Treaty should be allowed to be construed in such a manner as to embarrass or impede commerce and lawful navigation, or the free communication between the different dominions and those on which the Crown of Portugal has reserved its rights; a declaration which already, in a great measure, was made in the Additional Convention of 1817. There was likewise omitted the indispensable clause, analogous to that stipulated already in paragraph 1 of Article 1 of the instructions annexed to the Additional Convention of the 28th July 1817, that it should not be lawful to consider as a sufficient motive for detention the existence of negroes among the crews of coasting or other vessels.

Besides these highly important omissions, there had been introduced into the said fifth Article of the last project, restrictions upon the passage of negroes from one part of the Portuguese dominions to the other of the same dominions. If these restrictions could be admitted, there

would be an entire cessation of all communication, and consequently of all commerce and navigation, between the said dominions, seeing that in those settlements scarcely any other sailors and menial servants are found than slaves.

It is required in the third paragraph, that in the voyage in which the Portuguese colonist goes from one part of the Portuguese dominions in Africa, with ten slaves, to establish himself in another part of the same dominions, he shall always be accompanied *by his family*, and that his voyage shall be *direct* from any part of the said Portuguese dominions where he is *permanently* settled, to the Cape Verd Islands, to Prince's Island, or to that of St. Thomas, not permitting him therefore to go with his slaves from those islands to the continent, or to any other islands that Portugal may possess, such as the island of Mozambique, or of Cape Delgado, and several others near the Coast of Guinea, or, in a word, from any portion of the Portuguese dominions to another part of the same dominions, as had been finally stipulated in the 3rd section of the 7th Article of the Treaty negotiated with Lord Howard de Walden, it being only required in the 4th paragraph, that such voyages shall always be undertaken *direct to the* place of destination stated in the passport.

It was stipulated in the 5th paragraph of Article 7 of the said Treaty, that in the quality or equipment of the ship, on board of which the said slaves were conveyed, there must be nothing to warrant the detention of them on other grounds, as in such a case their master would be liable to be *primâ facie* considered an accomplice in an expedition for the traffic of slaves.

But it is added in the 5th paragraph of Article 5 of the last project, that if any of the regulations of that article be violated, the captain, crew, and owners of the ship, of her cargo, and of the slaves should be liable to be proceeded against, as accomplices in an infraction of the Treaty, and punished accordingly, by condemning the ship and cargo, and liberating the slaves.

By the 6th Article of the last project, two or more Mixed Commissions are established, whereas in Article 3 of the Treaty negotiated with Lord Howard de Walden, it was settled that there should be only two Commissions, one in the Portuguese territory, and the other in the British.

In Article 8 of the last project was omitted the stipulation of the 5th paragraph of Article 3 of the Treaty negotiated with Lord Howard de Walden, analogous to that of Article 2 of the Additional Convention of 1817, that the commanders of the ships of the two respective Royal Navies, employed in preventing the traffic in slaves, *should strictly confine themselves* to the exact tenor of their instructions. Besides this, instead of the clause, which was in the said 5th paragraph, that any transgression in this particular on the part of the said commanders should be punished with the same rigour as if it had been committed in their *own country*, it is simply said in the above-mentioned 8th Article, that they shall receive punishment proportioned to any voluntary transgression they may have committed.

In the 10th Article of the late project there occurred again the fault above mentioned, of not adding the conclusion of the corresponding Article 11 of the Treaty of Great Britain with Spain of the 28th June, 1835, as was agreed to by Lord Howard de Walden with the Duke of Palmella, and as afterwards was stipulated in Article 9 of the Treaty negotiated with the undersigned.

Article 13 of the last project was substituted for Article 12 of the Treaty negotiated with Lord Howard de Walden, in which the manumission of liberated negroes was much more explicitly and clearly guaranteed, and the basis of their good treatment and instruction laid down.

There was omitted Article 14 of the said Treaty, by which its revision was permitted within two years, *excepting what related to the principle of the perpetuity of the abolition of the traffic in slaves*.

According to this omission the other provisions of the Treaty would also become perpetual, which is by no means admissible.

There was further omitted Article 15 of that Treaty, in which, considering as substituted by it all the provisions of ancient Treaties, concluded between the two Crowns, that had for their object the regulating and repressing of the Slave Trade, the declaration of Article 3 of the Treaty of the 22nd January, 1815, that the ancient Treaties of alliance, amity, and guarantee, concluded between those Crowns,

should remain in full force and vigour, was renewed. It could never be supposed that Great Britain would make any difficulty to renew the recognition of obligations contracted by her in former Treaties, in that part where they are most advantageous to Portugal; but this difficulty is so much the more surprising, on the occasion of her being anxious to conclude a new Treaty with Portugal, in which she seeks to obtain new and most important concessions, without offering the least equivalent for them.

There was also omitted the important Declaration of the said Article 15 of the Treaty respecting the different periods at which it should begin to come into operation on the two coasts of East and West Africa, without which declaration it would appear that the Treaty was to be executed immediately after its ratification; and consequently before it was known in those remote regions, their inhabitants would find themselves subjected to the penal provisions which it contains, which is inconsistent with the principles of justice.

Lastly, instead of six months stipulated in the same Article for ratifying the Treaty, and exchanging the ratifications, the 15th Article of the late Project assigns only four weeks for one and the other Act, and requires the exchange to take place in London, within that space of time.

The Annexes A, B, C, also greatly differ from those agreed on by the undersigned with Lord Howard de Walden. Among many less important differences, the following are very essential.

In Article 4 of Annex A, there was left out the stipulation, which was in the same Article and Annex of the Treaty, that it should not be lawful for any commander of a cruiser to land slaves or free persons in any territory of the Crown, whose subject he was not, unless he had previously received a written licence for it from the principal authority of the country where he intended to disembark them. The want of this provision would afford an opportunity for continuing the abuse practised by the British cruisers, and already represented to their Government, of disembarking in the Portuguese dominions, and leaving there abandoned to wretchedness, as they have done in Prince's Island, many of the miscreants, of whom commonly are composed the crews of ships engaged in the Slave Trade, and who had been taken prisoners by those cruisers, so that the subjects of Her Majesty inhabiting those dominions were obliged to support those bad characters, and run the risk of being annoyed and pillaged by them.

Instead of surrendering the slaves found on board ships condemned by the Mixed Commissions, to the principal civil authority of the place where these Commissions reside, as was stipulated in Article 2 of Annex C of the Treaty entered into with Lord Howard de Walden (and in the preceding additional Convention of 1817), it was determined in Article 6 of Annex B of the late project, that they shall be delivered up to the cruisers that have captured them, and as the latter are all, or almost all, British, this new clause would be only for the benefit of increasing the population of the British Colonies.

In the case of complaints being made about unjust decisions of the Mixed Commissions, the two Governments had reserved to themselves, by Article 9 of Annex B of the Treaty, the right of coming to a mutual understanding, with the view to *remove*, if they should deem it proper, the individuals composing those Commissions. In Article 9 of Annex B of the last project, it only is declared that the two Governments shall come to an agreement as to the *prevention* of such unjust awards for the future, a stipulation which is too vague, and does not come up to the *positive removal* of the misconducted Commissioners.

Annex C of the last project, excepting the repetition of the singular provision above referred to, that the slaves found on board ships condemned shall belong to the cruiser that captures them, is for the remainder, with few exceptions, entirely conformable with the British Legislation in Act 3 and 4 of William IV., cap. 73, where the latter has for its object to promote the industry of negroes, and also, with Annex C, which has already been rejected by the Duke of Palmella, is totally different from that which the undersigned discussed with Lord Howard de Walden, in which, as respects Portugal, it was stipulated, in regard to the treatment and education, religious as well as mechanical, of the manumitted negroes, that the Portuguese Legislation should be conformed with.

It is evident from this statement, that the provisions or stipulations, proposed by the undersigned, and agreed to by Lord Howard de Walden, but now excluded from the last Project presented by Mr. Jerningham, in no way affected the objects of the Treaty, whose ulterior duration and execution on the part of Portugal, they

rather secured, inasmuch as they obviated the principal inconveniences, which might from the Treaty itself accrue to it, and remedied some of those which experience has shown to result from the Treaties in force. If, however, the Treaty be stripped of these provisions, or if it be simplified, as Mr. Jerningham terms it, its conclusion can in no manner suit Portugal, not only because this simplification, as it is called, is made at the expense of all that could render the Treaty less dangerous and burthensome for Portugal; but because such alterations are introduced into it as, so far from simplifying, render it more complicated, to the injury of this kingdom. The undersigned is therefore unable to discern, in what consisted the compliance with, or deference for, the Portuguese Government, shown by the British, on occasion of the last project of Treaty, as Mr. Jerningham says in his note.

In the same note it is asserted, "that the Treaty, such as it is recited in the last Project, cannot be considered as a Treaty of Alliance, Subsidies, or Commerce, but is simply a Convention for establishing Colonial Commissions, and regulations for Maritime Police, in order to attain the end which both the contracting parties declare to have equally at heart, and on purpose to carry into execution the laws subsisting in both countries."

To this assertion, the undersigned must reply, that the said Treaty, in so far as *Portugal thereby binds itself to Great Britain* to prohibit for ever, in the Portuguese dominions, a traffic, which, according to former Treaties, it is permitted to her to carry on to the South of the Equator, establishes a new regulation of maritime police, by subjecting the Portuguese navigation to visits by the men-of-war of a foreign nation, and to the inconveniencies resulting therefrom, in seas where she previously enjoyed the most ample and unlimited liberty, cannot but be considered as a Treaty of Commerce and Navigation, susceptible of admitting all and every stipulation of renewal or amplification of ancient alliances, or the formation of a new one, of subsidies, or of whatever clauses and conditions it may be Portugal's interest to propose, and Great Britain's to agree to, in compensation of those restrictions, which Portugal imposes on her commerce and navigation, and under which conditions alone, it behoves her to subject herself to those restrictions; and of this, the Treaties concluded between the two Crowns present repeated examples.

As to the British Government once more pressing for efforts to be made by the Portuguese to engage the Portuguese Legislation to follow the lead of the British, in declaring the Slave Trade piracy, the undersigned has to observe, that the difficulty of causing this to be declared by Portugal is in no way lessened, by the British Parliament having reduced the punishment of the crime of piracy to simple transportation, and by there being consequently no necessity for annexing capital punishment, with which in Portugal it is visited, to the crime of trafficking in slaves, if it should be declared tantamount to piracy.

If, likewise, in virtue of this, pirates were in Portugal to be punished with transportation, then it would become necessary to alter in proportion almost the whole penal code of Portugal.

Moreover, no advantage would be derived from declaring in this country the Slave Trade piracy, if this crime should be punished by mere transportation, seeing, as the undersigned has already intimated to Lord Howard de Walden, in his note of the 22nd of May last, that the Decree of the 10th of December, 1836, has denounced much heavier punishments against those who employ themselves in this traffic or protect it, inasmuch as, besides the penalties of smuggling, which, among the rest, include also transportation, it further inflicts on them, according to the different circumstances and the culpability of the delinquents, those most severe ones of the loss of employments, with inability to hold others, and the galleys.

Still, however, as Her Majesty's Government has it much at heart, not only to obtain the important ends of the Treaty, but more particularly to comply with the urgent desires of the British Government, as much as shall be compatible with the true interests of the Portuguese Monarchy, the undersigned hereby renews the declaration, which he already made to Lord Howard de Walden in his above-mentioned note of the 22nd May last, that in case Great Britain should conclude Conventions with the great Powers of Europe possessing Colonies, on purpose to declare that traffic piracy, though Her Majesty's Government cannot, in this respect, take the initiative, it will not hesitate thereafter to agree to such a declaration, when it shall have been solemnly sanctioned by the principal parties concerned.

It being, however, impossible to alter the Portuguese laws in this particular, which, at all events, will ever depend on the Legislative body, the traffic in ques-

tion can by no means be in the Treaty called *practical*, because in official acts it is necessary always to employ the legal language.

The perpetuity of the Treaty is another point for which the British Government presses, and which Her Majesty's Government cannot agree to. As Treaties must always have for their object the reciprocal advantage of the nations concluding them, if this one should be really endowed with that circumstance, so essential for its desired duration, it will not fail being continued. If, however, inconveniencies should hereafter arise from it, not anticipated during its discussion, it would be both unjust and not allowable to deprive posterity of the right of being capable to obviate them.

It would, for instance, be extremely burthensome, if perpetuity should attach to the stipulation which establishes in all seas of the globe, with very little exception, the right of visit by ships of war on board merchant-vessels, a right which, though it is in the Treaty declared to be reciprocal, would, in point of fact, be exercised only by the British men-of-war in Portuguese merchant-vessels, as has been the case ever since the Convention of the 28th July, 1817, between the two Crowns, for the abolition of this traffic to the north of the Line, has been carried into execution, owing to the enormous difference there is between the number of Portuguese and British men-of-war, whence it results that this stipulated reciprocity has never been carried into effect.

Besides, the necessity of exercising this right of visit can, and will, cease at no very remote period, in proportion as the progress of civilization and population of the several American states will render the importation of slaves unnecessary. Forty years ago the English Colonies imported many millions of slaves, and no one could have supposed that in 1838 slavery would have entirely ceased in those Colonies.

So, likewise, it might come to cease in Brazil and in the Spanish Antilles, whereby an end would be put to the smuggling of slaves, so that there will be no motive whatever for the continuation of the right of visit, it being of itself extremely oppressive to navigation.

The stipulation alluded to in the Treaty negotiated between Lord Howard de Walden and the undersigned, respecting the perpetuity of the abolition of the Slave Trade, is also, at the present moment, a dangerous concession.

The odious Slave Trade having unfortunately for such a length of time been prevalent in the Portuguese dominions of South Africa, and having been a source of immense advantage to the richest inhabitants of those dominions, every circumspection is necessary with regard to the manner of proceeding in the extirpation of such a pernicious abuse, particularly when it is notorious what opposition was made in the two principal governments of Angola and Mozambique, to the execution of the Decree of the 10th December 1836, which abolished the said traffic entirely.

Neither ought it to be forgotten that this abolition was a mere legal provision, which it was competent for the legislative power to alter, according as it should deem it required by the general good of the state, or even by the special well-being of those dominions.

But if this provision be once reduced to a Treaty, its alteration does not entirely depend on the Legislative power of Portugal, but also on the consent of Great Britain, which, for some reason or other, it may not be possible to obtain; and, considering this risk, the Portuguese Government ought not to suffer to depend on the pleasure of a foreign Government, the perpetuity of an enactment of so much importance, by reason of its consequences, without receiving from that Government all the securities and guarantees, which it must have for being certain that its execution may not entail upon it loss, or even danger to the general safety of the state, and the particular safety of the different dominions of which it is composed.

Even by Article 3 of the Treaty concluded between the two Crowns on the 22nd January, 1815, for the repression of the said traffic, there were renewed and recognised to be in full force, the former Treaties of alliance, friendship, and guarantee, subsisting between the two Crowns; and more especially by the Treaties of June 23rd, 1661, and of the 10th May, 1703, Great Britain undertook to defend Portugal and her dominions with all the sea and land forces that might be requisite.

Since, then, Great Britain has bound herself to defend these dominions against any attempts of Foreign Powers, desirous to usurp them from the Crown of Portugal, she must be under a much greater obligation to defend and guarantee them to the same Crown, when Great Britain herself, by her demand of concluding this Treaty, may be the primary cause of the loss of some of these very dominions. So far, therefore, from the desire of the Portuguese Government in this respect being *unreasonable*, as the British Government considers it, it is, on the contrary, very

consistent with reason and justice, and is therefore *admissible* by that same government, which can assuredly not be willing that its ally should, from deference towards it, contract an obligation, which exposes it to the risk of losing some of its most important dominions beyond the sea, without on that occasion affording it the necessary guarantee and succours for defending it against this risk, during the whole time that it may continue; calling to mind, that, according to the proposal made by the undersigned to Lord Howard de Walden, the force of the assistance that would have to be stipulated would be very limited, and inferior to that which Great Britain permanently maintains in her African Colonies.

The Treaty, as was shown above, containing restrictions on commerce and navigation, it is undeniable that Her Majesty's Government cannot, as Great Britain would have it do, forbear waiting for the meeting of the Cortes, in order to submit it to their approbation, in conformity with what in this respect the law of the monarchy directs. But, independent of this, the risk which, even with the requested guarantee, might still ensue from that Treaty being attended with the revolt or loss of some of the Portuguese dominions, was sufficient for Her Majesty's Ministers not to venture advising that Sovereign Lady to ratify it, without previously obtaining that legal and important approbation.

Nothing, therefore, could surprise Her Majesty's Government so much as the strange declaration found in the above note of Mr. Jerningham, that he "has received *positive instructions* to refuse transmitting again to his Government any proposal of the Portuguese Government, which the British has, after mature consideration, rejected, but that he had been directed to observe to the undersigned, that any *further delay* in the conclusion of the Treaty, or any *further proposal* about alterations in the last project, must be viewed by Great Britain as equivalent to a *refusal* on the part of Portugal to fulfil the *agreements* to which in this matter it is bound." To which he adds, "that the consequence of this delay or refusal, would be, that Great Britain would employ her own resources and means for fulfilling the objects of the Treaty," as Lord Palmerston directed to be declared to the undersigned by Lord Howard de Walden, to whom the undersigned had already on this subject returned an answer in his note of the 22nd of May last.

First of all, the undersigned must not omit to repeat, what he has already observed, that Portugal is not bound to Great Britain by any other agreements respecting the Slave Trade, than the observance of the additional Convention of 1817, for fifteen years to come, calculated from the 10th of December, 1836; and as, consequently, any restrictions on that Convention which the Portuguese Government may consent to admit during that period, are new concessions which it makes, this is certainly not the proper method of requesting or obtaining that consent.

The demand addressed to Her Majesty's Government to sign, *without the least alteration or delay*, a Treaty presented to it, is essentially repugnant to the liberty of the Portuguese nation, and to the independence of Her Majesty's Crown.

The ancient close ties of amity and alliance which unite the two nations imperiously require, that the rights of each of them should be fully respected by the other, and that in their relations no other means should be employed than those of persuasion and mutual convenience. It is only in this manner that the alliance can be considered as reciprocally useful and satisfactory.

It is, therefore, not for the honour of the British Government to demand that the Portuguese Government should thus, against the manifest interests of the Monarchy, subscribe a Treaty, which may have for its result the loss of some of its most important dominions beyond sea, and, what is worse than all, that it should subscribe not spontaneously, but with the stigma of compulsion.

A minister who should accede to such a demand would be wanting to the first duties of his office, and would seal his own personal degradation, even in the case, which does not exist, of the advantages which might result to Portugal from the Treaty being many and extraordinary, because, even in political matters, the useful ought never to fail to be subordinate to the honourable.

Nothing but the anxious solicitude which Her Majesty feels, to concur in the total abolition of the Slave Trade, by giving greater force to the execution of the decree, which Her Majesty spontaneously promulgated in her States, can overcome the deep and painful impression made in Her Royal mind by the above declarations of the British Government even to enable Her Majesty at all to consent to any convention on this subject with Great Britain.

Accordingly, the undersigned has been commanded by Her Majesty to say to Mr. G. S. S. Jerningham, for the purpose of his informing his Government of it,

that he is once more authorised by Her Majesty to sign the Treaty, which was so largely discussed and agreed to between him and Lord Howard de Walden, it being, however, understood, that the additional article, relative to the guarantee and the succours, which the Government will have to afford, in case of necessity, to the Portuguese authorities in South Africa, on which no agreement had yet been come to, may receive such a modification as the convenience of both nations shall require.

The undersigned, &c.

*Secretary of State's Office for Foreign Affairs,
October 6, 1838.*

(Signed)

SA' DA BANDEIRA.

No. 138.

Viscount Palmerston to Mr. Jerningham.

SIR

Foreign Office, October 19, 1838.

WITH reference to your Despatch of the 24th ultimo, communicating the wish of the Portuguese Government to be furnished with information respecting the Portuguese vessels, adjudicated by the Mixed Court at Sierra Leone since the month of March, 1835, I herewith transmit a memorandum showing the particulars required, namely, the name and class of the various Portuguese vessels which have been captured since that date up to the 30th of June last, by British cruisers, for being employed in the Slave Trade, with the sentences pronounced upon them by the Mixed Commission at Sierra Leone.

With respect to the state of the funds arising from the sale of such of the vessels above alluded to as were condemned, you will state to Viscount de Sá, that early in the year 1834, the account on this head between Great Britain and Portugal, up to the end of the year 1832, was settled, and that the balance due to Portugal was paid to M. Sarmiento; and that the papers on the subject of the accounts for the years 1833, 1834, 1835, 1836, and 1837, have been duly transmitted to the proper department of Her Majesty's Government, with a request that no time may be lost in making arrangements for their settlement.

I am, &c.

(Signed)

PALMERSTON.

*The Honourable G. S. S. Jerningham,
&c. &c. &c.*

Enclosure in No. 138.

MEMORANDUM showing the name and class of the Portuguese Vessels which have been captured since the month of March, 1825, up to the present time, by British Cruisers, and carried for adjudication before the Mixed Commission at Sierra Leone, for being employed in the Slave Trade, with the sentences pronounced upon the same by the said Commission.

Year.	Name.	Class.	Sentence.	Remarks.
				No Portuguese vessel was adjudicated during the years 1825, 1826, and 1828.
1827	Toninha . . .	Schooner . . .	Condemned. .	Lost on the voyage up.
1829	Vingador . . .	Brig . . .	"	
"	Aurelia . . .	Galliot . . .	"	
"	Hosse . . .	Brig . . .	"	
1830	Maria . . .	Schooner . . .	"	
"	Nimpha . . .	"	"	
1831	Roza . . .	"	"	
1832	Hebe . . .	Brig . . .	"	
1833	Virtude . . .	Brigantine . . .	"	
1834	Maria da Gloria	Bark . . .	Liberated.	
"	Apta . . .	Schooner . . .	Condemned.	
"	Santissimo Rosa- rio é Bom Jesus }	"	"	
"	Tamega . . .	Brig . . .	"	
"	Despique . . .	Schooner . . .	"	
"	Felicidad . . .	"	"	
1835	Atrevido . . .	Brig . . .	"	
"	Maria . . .	Schooner . . .	"	
"	Legitimo Africano	"	"	
"	Thereza . . .	"	"	
1836	Mindello . . .	Brigantine . . .	"	
"	Criolo . . .	Schooner . . .	"	
"	Joven Carolina .	Brigantine . . .	"	
"	Feliz . . .	"	"	
"	Esperança . . .	"	"	
"	Esperança . . .	Brig . . .	"	
"	Victoria . . .	Schooner . . .	"	
"	Vigilante . . .	Brigantine . . .	"	
"	Quatro de Avril .	Ship . . .	"	
"	Olimpia . . .	Schooner . . .	"	
"	Veloz . . .	Brig . . .	"	
"	Phoenix . . .	Brigantine . . .	"	
"	Negrinha . . .	Schooner . . .	"	
"	Serea . . .	" Boat	"	
1837	Paquete de Cabo Verde }	Brig . . .	"	
"	Temerario . . .	Brigantine . . .	"	
"	Esperança . . .	Brig . . .	"	
"	Josephina . . .	Schooner . . .	"	
"	Latona . . .	"	"	
"	Carlota . . .	"	"	
"	La Fayette . . .	"	"	
"	Cabo de Africa .	"	"	
"	Flor de Tejo . .	"	"	
"	Providencia . . .	"	"	
"	Amelia . . .	Brig . . .	"	
"	Primoroza . . .	Schooner . . .	"	
"	Vibora de Cabo Verde }	"	"	
"	Don Francisco . .	Brig . . .	"	
"	Florida . . .	Schooner . . .	"	
"	Felicidade . . .	Brigantine . . .	"	
"	Traga Milhas . .	Schooner . . .	"	
"	Ligeira . . .	"	"	
1838	Princesa Africana	"	"	
"	Deixa Falar . . .	Brigantine . . .	"	
"	Gratidao . . .	Brig . . .	"	
"	Camoos . . .	"	Restored.	
"	Isabelita . . .	Schooner . . .	Condemned.	
"	Arrogante . . .	Brigantine . . .	"	
"	Felicias . . .	Brig . . .	"	
"	Veloz . . .	"	"	
"	Dous Irmaos . .	Schooner . . .	"	

No. 139.

M. de Carvalho to Viscount Palmerston.—(Received October 26.)

THE Government of Her Most Faithful Majesty, not having hitherto received the complete satisfaction, which they asked from Her Britannic Majesty's Government, for the attack committed against the Crown of Portugal in the Port of Mozambique by the Lieutenant of the British Navy, Charles John Bosanquet, Commander of the brig-of-war "*Leveret*," on the subject of which His Excellency Lord Viscount Palmerston, Her Britannic Majesty's Principal Secretary of State for Foreign Affairs, in May last, verbally assured the undersigned, Chargé d'Affaires of Her Most Faithful Majesty, that all the papers relative to this transaction were in the hands of the Attorney General, who was to give his opinion thereon; the undersigned has received orders from his Government to repeat to His Excellency the representations already made on this subject by the Chevalier de Ribeiro, in his note of the 26th May, 1837, and by the undersigned in a note of the 27th March of the present year.

The grave nature of the offence received formed the subject of strict enquiry by the late Cortes; and no doubt Her Majesty's Government will be again questioned on this affair by those now about to assemble. The Spanish Government presses likewise, and justly so, for satisfaction for the attack made upon her flag in the Port of a friendly Nation, and for indemnification for the loss and injury sustained by the Spanish brig "*Diogenes*."

The urgency of these weighty reasons cannot be unknown to the British Government: nor, considering the principles of enlightened justice by which it is governed, is it necessary for the undersigned to repeat to His Excellency the incontestible arguments on which the above-mentioned notes were founded; and even if those arguments did not exist, it would suffice to destroy any reasoning with which it might be attempted to diminish the enormity of the offence committed by the aforesaid Commander of the brig "*Leveret*," or to inculpate the Captain of the Spanish brig "*Diogenes*," to reflect that even supposing the latter to be a pirate, a slaver, and even to have killed with her fire any one in the "*Leveret's*" launch on the high sea, these supposed crimes, or others greater, could never justify the Commander of the brig "*Leveret*" for such an attack within a foreign Port, much less in that of an ancient ally of his Sovereign, and consequently could not exempt his Government from punishing him, and indemnifying the owners of the said brig for the damage claimed by the Spanish Government, especially when the British Government has already acknowledged, that the alleged facts have been fully proved against the Commander of the brig "*Leveret*."

The undersigned, &c.,

(Signed)

CHEVALIER REBELLO DE CARVALHO.

*London, October 24, 1838.**The Right Hon Viscount Palmerston, G.C.B.*

&c.

&c.

&c.

No. 140.

Mr. Jerningham to Viscount Palmerston.—(Received October 30.)

MY LORD,

Lisbon, October 22, 1838.

I HAVE the honour to transmit to your Lordship herewith a copy and translation of a Decree, empowering Admiral Noronha, the new Governor of Angola, to distribute the waste lands of that Colony, and affording other facilities for their cultivation, as well as for the comfort of the cultivators.

Admiral Noronha is on the point of departing. He goes in the corvette "*Urania*," which will also take out some soldiers, to be followed, Viscount de Sá informs me, by a greater number later on.

The Viscount omits no opportunity of expressing his interest in the welfare of the African Colonies, his belief of their means of prosperity, and his conviction that the Slave Trade alone stands in the way of their prospering.

A considerable emigration to Brazil has been going on for some time past;

and Viscount de Sá tells me that he intends doing all in his power to turn this emigration from Brazil to the African Colonies.

I have, &c.,

(Signed) G. S. S. JERNINGHAM.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

Enclosure in No. 140.

(Translation.)

Decree.

THE Government being authorised by a Decree of the 17th of the January, 1837, to grant assistance for the transport and establishment of the industrious in the African Provinces, and the Queen being desirous to promote the cultivation of those immense tracts of unprofitable land, commands through the Marine and Colonial department, that Antonio Manoel de Noronha, appointed Governor-General of the province of Angola, in executing the instructions given to him under the date of the 3rd instant, shall distribute such lands as may not have any private owners to any person wishing to cultivate them, according to the existing laws on sesmarias (an impost consisting of the sixth part of the produce of the land), and regulating himself as to concessions, agreeably to the means that person may have for their good cultivation: that to military men, who have served three years in Africa, lands may be granted, if they wish it, in sesmaria; the quantity of which to be determined by the Governor-General in Council: and to those, as well as to the citizen planters who may not possess means to purchase seeds or any implements of agriculture, they may be supplied on the public account, as well as the necessary means for their support during the first year; the whole to be settled according to a table fixed upon by the Governor-General in Council: that both with regard to the former, as well as to the latter, who may be married in this kingdom or in the Islands, passages shall be granted to their wives, and to the females engaged to those who, being unmarried, may wish to be married by proxy, at the expense of the State; the whole of which the Governor-General will lay before the Junta of Finance, in order that the money advanced for expenses incurred for these objects may be legalized.

Palace of the Necessidades, October 10th, 1838.

(Signed)

SA DA BANDEIRA.

No. 141.

Viscount Palmerston to Mr. Jerningham.

SIR,

Foreign Office, November 3rd, 1838.

The following Statements relative to the conduct of M. Moreira, the Portuguese Chargé d'Affaires and Consul-General at Rio de Janeiro, have reached Her Majesty's Government from an unquestionable source; and as they show that that Officer is intimately connected with the Slave Trade now carried on at Rio de Janeiro, I have to desire, that you will communicate these statements to the Portuguese Minister, for the information of the Government of Her Most Faithful Majesty. It appears, that on the refusal of the Mixed British and Brazilian Court of Commission to take cognizance of the case of the "*Flor de Loanda*," a vessel which had been captured with slaves on board, under the Portuguese Flag, M. Moreira at first intended to take charge of her, and to proceed against her proprietors, in apparent conformity with the Portuguese Decree of the 10th December, 1836; it being supposed however that his real intentions were, that according to a previous understanding with her master and crew, there should be a pretended shipwreck of the "*Flor de Loanda*" at some place between Rio de Janeiro and Cape Frio; that the slaves should there be landed in boats; that the vessel should be reported to have been stranded or lost; and that it should be said either that all the negroes were drowned, or that such as had reached the shore had escaped from the persons who had them in charge.

Subsequently, however, to the arrangement of the plan, the slave-traders perceived on further consideration that, if M. Moreira took charge of

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the "*Flor de Loanda*" he would be obliged also to take charge of any other vessels made over to him under similar circumstances; and that it would not be possible always to avoid much embarrassment and loss in regard to vessels so handed over. They therefore prevailed upon M. Moreira, partly by threats and partly by bribes, to change his intentions, and to refuse to take cognizance of the "*Flor de Loanda*."

It is further stated as a matter of notoriety at Rio, that M. Moreira receives the sum of 800 milrees for every vessel under Portuguese colours to which he affords his protection, and to which he furnishes direct or indirect assistance in performing their voyages to and from the coast of Africa, and that he further receives a per centage on the number of negroes actually landed and sold.

It is stated, that the Brazilian Government are well aware of M. Moreira's proceedings, and were on the point of making a representation or remonstrance upon his conduct, but that they were withheld by the difficulty of bringing forward positive proofs, and by considerations of delicacy towards the representative of a friendly power.

You will send officially a copy of this Despatch to Viscount de São.

I am, &c.

(Signed)

PALMERSTON.

The Hon. G. S. S. Jerningham,
&c. &c. &c.

No. 142.

Viscount Palmerston to Mr. Jerningham.

SIR,

Foreign Office, 3rd November, 1838.

I HEREWITH transmit to you a copy of a communication, which I have received from Her Majesty's Chargé d'Affaires at Rio de Janeiro, describing conduct and language pursued by M. Moreira, the Portuguese Consul and Chargé de Affaires at Rio, calculated to prejudice the public mind against the efforts of the British Government to put down the Slave Trade, and giving a particular instance of it in the language used by M. Moreira on a complaint of ill treatment, brought forward by Portuguese subjects detained in the "*Flor de Loanda*" by Her Majesty's ship "*Rover*."

You will transmit copies of these papers officially to the Portuguese Government, and add, that Her Majesty's Government cannot doubt, that the conduct of the Portuguese Consul and Chargé d'Affaires on this occasion will meet with the marked disapprobation of the Government of Portugal.

I am, &c.

(Signed)

PALMERSTON.

The Hon. G. S. S. Jerningham,
&c. &c. &c.

Enclosure in No. 142.

Despatch from Mr Ouseley, Rio de Janeiro, 15th August, 1838.

(See No. 205.)

No. 143.

Viscount Palmerston to Mr. Jerningham.

SIR,

Foreign Office, 3rd November, 1838.

ON the 3rd of February, 1836, a schooner, named the "*Dous Irmaos*," was furnished by Viscount de São da Bandeira with a passport or register, describing her as a Portuguese vessel, and authorizing her to proceed to Madeira, Cape Verds, Azores, and other Portuguese islands, and to return to Lisbon. The vessel proceeded to Cape Verds, and thence, on the 2nd of July following, she cleared out, her passport being endorsed for St. Thomas. In

December of the same year the same document was again endorsed by the acting Portuguese Consul at the Havana, "For the River Bonny, on the Coast of Africa."

The "*Dous Irmaos*" returned to the Havana in April, 1837; and on the 14th of July following the Portuguese Consul at the Havana endorsed her passport for Africa. The vessel returned thence in November, 1837; and on the 23rd of December, 1837, the same Portuguese Consul endorsed her passport again for Africa; and among the documents with which she was furnished on that voyage, was one paper countersigned by the Portuguese Consul, stating that she had on board 24 barrels in pieces, a boiler "for melting palm-oil," and 3000 feet of boards, described as being intended "for the purposes for which they are fit." No mention is made in the ship's papers of any bond having been given or required for these three articles.

On the return of the "*Dous Irmaos*" from this last-mentioned voyage, (the fourth Slaving voyage which she had undertaken under cover of the passport or register above mentioned,) she was captured by Her Majesty's brigantine "Forester," on the 2nd April, 1838, with more than 300 slaves on board, which she had shipped only the day previously in the River Bonny.

Although this vessel was provided with a Portuguese register by M. de Sá da Bandeira, there is every reason to believe, that she is a Spanish vessel, and that her owners are Slave Traders, resident at the Havana.

The Viscount de Sá will no doubt regret, that his name and authority have been used for so bad a purpose in this transaction.

It cannot, however, be a matter of surprise, that every facility for carrying on the Slave Trade under cover of the Portuguese flag should be afforded at the Havana, when it is recollected that the Consul, Don Jose Miguel Fernandez, who has been selected to enforce at that place the laws and treaties of Portugal for the suppression of the Slave Trade, is one of the most notorious of the Slave Dealers, whose names are to be found in the records of the different Mixed Courts appointed under the Slave Trade Treaties.

The character and former occupations of Jose Miguel Fernandez could not well have been unknown at Lisbon; and it is impossible to expect that the Portuguese decrees against Slave Trade can be obeyed in the distant colonies of Portugal, when the Government of the mother country appoints such a notorious Slave Dealer as Fernandez to be Portuguese Consul at Havana. Such an appointment must, on the contrary, inspire a general belief, that the decrees in question were never meant to be really carried into execution.

You will give Viscount de Sá officially a copy of this Despatch.

I am, &c.

(Signed)

PALMERSTON.

The Hon. G. S. S. Jerningham,
&c. &c. &c.

No. 144.

Viscount Palmerston to Mr. Jerningham.

SIR,

Foreign Office, 8th November, 1838.

I HEREWITH transmit to you a copy of a Despatch, and of its Enclosure, which I have received from Her Majesty's Commissioners at Sierra Leone, containing an account of the case of the Portuguese schooner, "*Prova*," captured by Her Majesty's ship "*Pylades*," on the 3rd June, 1838, with a cargo of negroes, which she had just before taken on board in Calabar river, for purposes of Slave Trade.

This vessel was cleared out from the Havana, with her slave equipment on board, on the 25th July, 1838. According to papers from the Spanish Custom-house, she was cleared out solely for the river Calabar; but the Portuguese Consul, on the day following her clearance, gave to her, no doubt for the purpose of affording her a better chance of escape, a certificate that she was cleared out solely for St. Thomas.

You will communicate the papers on this case to the Portuguese Government. They add another instance to the many which have already happened

of the open manner in which the Slave Trade is carried on under the Portuguese flag, and as encouraged by the Portuguese authorities.

I am, &c.

The Hon. G. S. S. Jerningham, (Signed) PALMERSTON
&c. &c. &c.

Enclosure in No. 144.

Despatch from Sierra Leone Commissioners, 31st July, 1838.

(See Class A., No. 36, page 73.)

No. 145.

Mr. Jerningham to Viscount Palmerston.—(Received November 11.)

MY LORD,

Lisbon, 2nd November, 1838.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of the 19th ultimo, marked Slave Trade, and I herewith transmit a copy of the note with which I forwarded to Viscount de Sá a copy of the Memorandum showing what Portuguese vessels had been adjudicated by the Mixed Court at Sierra Leone, since the month of March, 1825.

I have, &c.
(Signed) G. S. S. JERNINGHAM.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

Enclosure in No. 145.

Mr Jerningham to Viscount de Sá da Bandeira.

M. LE VICOMTE,

Lisbon, 30th October, 1838.

IN reply to your Excellency's note of 15th September, I have the honour to transmit herewith a memorandum of vessels adjudicated in the Mixed British and Portuguese Court at Sierra Leone, from March, 1825, to 30th June, 1838, which I lately received from London.

With respect to the state of the funds arising from the sale of such of the vessels above alluded to as have been condemned, I am instructed to state to your Excellency, that, early in the year 1834, the account on this head, between Great Britain and Portugal, up to the end of the year 1832, was settled, and that the balance due to Portugal was paid to Mr. Sarmento; and that the papers on the subject for the accounts of the years 1833, 1834, 1835, 1836, and 1837, have been duly transmitted to the proper department of Her Majesty's Government, with a request that no time may be lost in making arrangements for their settlement.

I have, &c.
(Signed) G. S. S. JERNINGHAM.

Viscount de Sá da Bandeira,
&c. &c. &c.

No. 146.

M. de Carvalho to Viscount Palmerston.—(Received November 16.)

THE Undersigned, Chargé d'Affaires of Her Most Faithful Majesty, has the honour to inform His Excellency Viscount Palmerston, &c., that the Government of Her Most Faithful Majesty, have just been officially informed that the Portuguese schooner "*Flor de Leanda*" was taken on the 11th April last, near the coast of Brazil, by the British sloop of war "*Rover*," commanded by Captain Eden, for having on board Africans which were presumed to be destined for contraband.

Until a new Treaty is concluded between the two crowns of Portugal and Great Britain, for the total abolition of the Slave Trade, the Portuguese Go-

vernment cannot acknowledge British cruisers to have the least right to detain any Portuguese ship employed in the Slave Trade, which may be met with south of the Equator, unless it be in consequence of their having begun to be chased north of the Equator, according to the strict tenor of the 4th Article of the Instructions annexed to the additional Convention of the 28th July, 1817.

The Commander of the sloop "Rover" has therefore acted contrary to the express stipulations of the said Instructions, which, according to the 5th Article of the said additional Convention, ought to be observed *strictly* and *truly*; nor could he have received any others from his Government, who could not have given them without having previously received the agreement and consent of the Portuguese Government, which were never given, and which are expressly required by the 7th Article of the same additional Convention, in order to make any alterations in the Instructions.

The Commander Eden, being quite convinced that the existing Treaties between the two crowns of Portugal and Great Britain conferred on him no right to detain the schooner "*Flor de Loanda*," added to his arbitrary proceeding in detaining her, another arbitrary step, and in a high degree offensive to the sovereignty of the Portuguese crown, by submitting to the Mixed British and Brazilian Commission at Rio de Janeiro, which could only judge Brazilian or British ships, the judgment of the said schooner, wishing to make her pass for a Brazilian, though her papers on board were perfectly regular, and proved in a manner so incontestibly that she was Portuguese property, and navigated according to the laws of Portugal, that that Commission immediately declared itself incompetent to decide upon her detention.

The nationality of the said Portuguese schooner being thus proved and confirmed by a sentence, no foreign tribunal could now try her without a manifest violation of the most acknowledged principles of the law of nations; and justice, as well as the stipulation of the 6th and 8th Articles of the Regulations annexed to the additional Convention of the 28th July, 1817, required that the said schooner should be immediately released, and delivered up to her Captain and Owner, who should be indemnified for all the losses sustained in her illegal detention.

In order to extricate the Commander of the "Rover" from the false position in which he had placed himself by this detention, the Chargé d'Affaires of Her Britannic Majesty, at Rio de Janeiro, did not scruple to make himself a superintendent of the Repressive Laws of Contraband in Brazil, by calling upon the Brazilian Government to take charge of the said schooner, and order her to be tried by the Brazilian tribunals as suspected of smuggling Africans into that country (although she had not touched there until after she was taken), which the said Government very justly refused to do, acknowledging also their incompetency to take cognizance of this affair.

Finally, for want of other means to free himself from the business of this schooner, the said Chargé d'Affaires of Her Britannic Majesty then took the resolution to address a note, on the 24th June of this year (a copy of which is annexed), to the Consul-General and Chargé d'Affaires of Her Most Faithful Majesty in Rio de Janeiro, requiring the said Consul to take charge of the schooner and her cargo, in order that they might be sent to Lisbon to be tried, conformably to the Decree of the 10th December, 1836, the Stipulations of which had been violated; the said British Diplomatist thus giving an evident testimony that the detention of the schooner was only founded on that violation of the Portuguese laws, and not on the infraction of Treaties, without recollecting that no British cruiser was authorized by Her Most Faithful Majesty to execute their laws; and that, to set himself up as an executor thereof, without that authority, was the greatest violation of those laws, and of the well-known principles of the law of nations.

The Chargé d'Affaires of Her Most Faithful Majesty declined to comply with this request, because the Decree of the 10th of December, 1836, did not give him so much power; besides which, only Portuguese ships-of-war were thereby positively allowed to take the vessels they might meet in contravention of the stipulations of the said Decree. Moreover the said schooner could not be judged as comprehended even in those stipulations, because she sailed from Rio de Janeiro at the end of March, 1837, before the said Decree was published there, which was not done till the 5th of April following, and she was loaded at Angola, where the Governor-General of that province had not put in execution the said Decree.

Notwithstanding that the schooner "*Flor de Loanda*" was so unjustly

detained, that she could neither be tried by the mixed British and Brazilian Commission of Rio de Janeiro, nor by the Brazilian Tribunal, and that even no Portuguese tribunal, much less the Mixed Portuguese and British Commission at Sierra Leone, could condemn her, she still remains under the same arbitrary power, illegally detained at Rio de Janeiro by the British Naval Forces there stationed.

There are, however, several weighty circumstances which aggravate still more the illegality of this detention. By the Protest made against this detention, a copy of which was addressed by the Captain and Owner of the schooner, Manoel Francisco Barbosa, to the Chargé d'Affaires of Her Britannic Majesty at that Court, and another also transmitted to the Government of her Britannic Majesty, it appears that the Commander Eden, of the sloop "Rover," and the other Officers of the British Naval Force, with the honourable exception of the worthy commander of the sloop "Calliope," did not hesitate to commit acts of cruel prepotency and inhumanity against the said Captain of the schooner, and other individuals on board of her, by putting them in irons, preventing them from communicating with each other, and even depriving them of necessary sustenance, which is confirmed by the annexed Copies of the Declarations of the pilot, sailors, and a passenger of the said schooner, who were lately sent by the Commander of the British Naval Forces to the Marine Hospital in Rio de Janeiro, being sick in consequence of the bad treatment they had received; as also of two other passengers by the said schooner, who were already set at liberty, it being a very remarkable circumstance which they relate, that the Africans were disappearing from on board, being conveyed on shore at night by stealth.

There has therefore been, with respect to the above-mentioned individuals, a disregard and violation of the incontestible principles of justice, as the imprisonment was introduced more for security of the criminal than for punishment of his crime, and nobody should be punished without being previously condemned. The rigorous privation of all communication with each other, which those prisoners suffered, besides being a tyrannical abuse of power, for it even deprived them of the use of the just and legitimate means of making their defence, cannot but be considered, together with the imposition of irons, and the privation of their needful aliment, as a species of torture, the exercise of which is not authorized by British laws, and has long since been proscribed by the laws of all civilized nations.

In consequence of what is above stated, the undersigned has received orders from his Government to request of the British Government, that orders may be sent out, without delay, to the Commander of the British Naval Forces at Rio de Janeiro, to deliver up the schooner "*Flor de Loanda*," with her cargo, to the Captain and Owner, Manoel Teixeira Barbosa, and to set at liberty this and the other individuals who have been imprisoned with him.

The undersigned has likewise received orders, in support of the Protest already laid before the Chargé d'Affaires of Her Britannic Majesty, at Rio de Janeiro, by the said Captain and Owner of the schooner "*Flor de Loanda*," to protest, in the name of the Government of Her Most Faithful Majesty, as by this Note he protests, against the Commander Eden, of the British sloop-of-war "Rover," for the arbitrary and violent capture of the said schooner, and for the losses and damages arising therefrom, from the day of her capture till her final release; and not only against the said Commander, but against the other officers who have successively commanded the British Naval Forces there, for the unjust detention of the said schooner, and for the violence and vexations committed by them upon the persons of the said Captain and other individuals who have been imprisoned with him; the Government of Her Most Faithful Majesty claiming, besides, from the Government of Her Britannic Majesty, a suitable reparation for the abusive and illegal proceeding of the said Commander Eden, in order that, in conformity with the stipulations of the 13th Article of the Regulations annexed to the Additional Convention of the 28th of July, 1817, he may receive the punishment merited for the infraction which he has committed of his instructions.

The undersigned, &c.

(Signed) CHEVALIER REBELLO DE CARVALHO.

London, 15th November, 1838.

The Right Hon. Viscount Palmerston, G.C.B.

&c. &c. &c.

First Enclosure in No. 146.

(Translation).

No. 1.

THE Chancellor of this Consulate-General will repair to the Imperial Hospital of Marine in this metropolis, and also on board the Brazilian frigate "*Principe Imperial*," at anchor in this port, where there are some Portuguese subjects, part of the crew of the Portuguese schooner "*Flor de Loanda*," captured by Her Britannic Majesty's corvette "*Rover*," on account of carrying slaves, and accompanied by the advocate of these prisoners, he will, in both places, take such depositions as at their own accord they shall be willing to make, not only relative to the capture of that schooner, but particularly respecting the treatment they have received from the Commanders of Her Britannic Majesty's men-of-war, ever since their arrival at this port up to the present time. He will comply herewith.

(Signed) JOAO BAPTISTA MOREIRA, *Consul-General*.
Consulate-General of Portugal, Rio de Janeiro,
 11th August, 1838.

No. 2.

Consulate-General of Portugal, at Rio de Janeiro.—Examination and Deposition. The 11th August, 1838.

I, the Chancellor of the Consulate-General of Her Most Faithful Majesty, in this city of Rio de Janeiro, went into the Imperial Hospital of the Marine, in consequence of an order from the Consul-General, dated this day, with the view of there taking the depositions to be made by the subjects of Her Most Faithful Majesty, whose names are signed underneath, and who are at present, from ill health, in the said hospital, yet in their full senses, which I herewith attest.

First Deposition.

Francisco Joze de Souza Pimentel, born at Oporto, single, 22 years of age, steersman, had of his own accord nothing to say, but interrogated in my presence, and in that of the advocate of the Master, and of the owner of the "*Flor de Loanda*," deposed, that being the steersman of the said schooner, which went from Angola to Mozambique, and was to touch at Cabinda and Montevideo, having African colonists on board, he knows that she had consumed almost the whole stock of her provisions and all her water, and was under the necessity of standing for Rio de Janeiro. Just on entering the port she was met with by the "*Rover*," Her Britannic Majesty's sloop of war, Captain Eden, which captured and conducted her within the port, to have her adjudged by the English and Brazilian Mixed Commission. Deponent was sent from the "*Flor de Loanda*" on board the captor, as were along with him a passenger, and the whole of the crew, on the 11th of April, the day of the capture. On the 14th of April, when they entered the port, they tied deponent to the ring of a piece of ordnance with his hands behind, and thus he was left the whole night till next day, when they untied him. On the 7th of May he was sent from the sloop back to the "*Flor de Loanda*," and having remained there some days, he was transferred on board the English frigate "*Calliope*." Three days after they took him again on board the "*Flor de Loanda*," and there on the 22nd of June they put him in irons in the cabin. Every night he was confined in this manner for a whole fortnight, from the 22nd June to July 6, on which day they sent him on board the English ship "*Stag*." Deponent experienced this bad usage because he took notice that during the night the Africans disappeared from on board; and it was supposed that the English crew made away with them, it being well known that they were conducted on shore to be sold there, by the very individuals of the English crew. In fact, these Africans were missing, never to make their appearance again. Every evening after six o'clock deponent was, along with all the other Portuguese on board, put into the cabin, whence they were not released till eight o'clock next morning. While deponent was on board they stopped his victuals for three days together, and very frequently they would not suffer the approach of the boat, which came from the shore with provisions for deponent and the other Portuguese, so that in this scandalous manner they were deprived of the support found by themselves. In addition to this bad treatment, they many times threatened to beat him, and put him in irons, not to mention the opprobrious language they gave him. On the 12th July he was, with the other crew and passengers, called on deck, where the Admiral asked them whether they had been or were still ill-treated. To which

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deponent and his companions replied in the negative, they not being capable to make any other answer, being prisoners and under control. This question was occasioned by a complaint they had made to the Chargé d'Affaires of Her Most Faithful Majesty, whom they had informed how ill they were treated. Deponent having nothing further to say, he signed his deposition in the presence of me and of the witnesses.

BERNARDO RIBIERO DE CARVALHO, *Chancellor.*
 MOREIRA FRANCISCO JOZE DE SOUZA PIMENTO.
 JOAO A. DE SOUZA CORREIRA.

As Witnesses, { MANUEL F. DA COSTA.
 { THOMAS RODRIGUES GALVAO.

Second Deposition.

Manuel Antonio, native of Oporto, 32 years old, single, sailor, said of himself nothing; but on being questioned as to each circumstance deposed by the first witness, it appeared that being one of the crew he suffered the above bad treatment in common with the rest, making oath that all was founded on fact, the whole preceding deposition having been read to him point by point; and in order to testify that he thus took his oath, and averred the above particulars, he signed his deposition in common with me, and in the presence of the witnesses who saw him sign it.

Signatures as above.

Third Deposition.

Manoel da Costa Pereira, native of Oporto, 43 years of age, married seaman, Being interrogated as to the first deposition, he deposed, that being one of the Portuguese crew, he shared the bad treatment alluded to, taking his oath that the deposition was all true, and the whole being, item for item, read to him, he deposed it to be all matter of fact. To this he swore, and ratified it. He signed it with me in the presence of the witness who saw him sign it.

Signatures as above.

No. 3.

First Deposition.

Consulate-General of Portugal at Rio de Janeiro. Deposition of Manoel Domingues Maia, passenger in the "Flor de Loanda," on the 16th August 1838.

I, the Chancellor, &c., proceeded on board the "*Principe Imperial*," by order of the Consul-General of Her Most Faithful Majesty, to take the depositions set forth hereinafter.

M. de Maia, 20 years old, native of Villa de Conde, single, passenger, on board the "*Flor de Loanda*" (repeating all the above, and then proceeding thus), was on the 14th April put in irons on board Her Britannic Majesty's war-sloop, the "*Rover*;" next day he was sent on board the schooner, where he remained till the "*Rover*" sailed; he was next transferred on board the "*Calliope*"—stopped there three days—slept on deck, and received only half rations. Then returned to the schooner, remained till the "*Calliope*" sailed on a cruise, during which time he was in irons fourteen consecutive nights, his allowance being half a ration. Thereafter he was sent on board the "*Stag*." When aboard the schooner it frequently happened that they would not allow the coming alongside of the boat with refreshments from the shore, lest they should get sufficient food. When on board the "*Stag*," he, the steersmen, and the crew, were, on the 12th July summoned on deck, and interrogated by the Admiral, whether they had been well treated, and whether they had wanted for any thing; to which they returned for answer, that they had been well supplied, it being impossible to make any other reply, as they were prisoners and under restraint, so as to be unable to avail themselves of the right allowed by the law, they being deprived of all communication. The Admiral's inquiry originated in their having addressed a representation to the Chargé d'Affaires of Her Most Faithful Majesty. Every evening they were locked up in the cabin, and remained till morning; and further, &c. &c.

Signatures as above.

Second Deposition.

Joaquim Netto, native of Figueira, 20 years old, single, seaman of the "*Flor de Loanda*," was made prisoner with the rest by the "*Rover*." (Repetition of all the above particulars.) They received no more than half a ration. As they

fell ill and were attacked with the scurvy, they were sent to the Imperial Marine Hospital. As he had nothing further to say, his companion was called upon, Jose Rodrigues Carvalho, native of Figueira, 18 years old, single, seaman on board the "*Flor de Loanda*," and having read to him all that Joaquim Netto deposed, said that all was true, and that he would confirm all the particulars. Both these deponents not being able to write, requested M. Joaquim J. da Costa to sign for them.

(Signatures as above.)

Third Deposition.

Antonio Vieira, native of Matosinho, 24 years old, single, seaman on board the "*Flor de Loanda*" &c., &c.

After going over the same ground as the preceding deponents, he states the following new particulars:—The bad treatment given to the crew was supposed to proceed from some altercations between the owners of the captured vessel and the English commander, inasmuch as during the night there used always to disappear some "Africans" (slaves) from on board, no one being able to account for their disappearance. For three days they suspended supplying him and his companions with any sustenance, &c.

Jose Bernardes and Jose Antonio da Costa, witnesses, deposed exactly to the same effect.

No. 4.

Deposition of Joze Luiz d'Oliveira passenger in the "Flor de Loanda."

After repeating the above-stated particulars, says is a native of Rio de Janeiro. They threatened to beat him because he wanted to speak with his friends who had come to see him. They treated the slaves cruelly, gave them often nothing to eat at the proper hours, and frequently no food at all, nor did they attend to their cleanliness. The captor put the captain in irons, for no other reason than because he made use of a spy-glass, of which they deprived him. They often put the sailors of the schooner in irons, because they said they were hungry and wanted something to eat.

Manoel Joze Borges de Carvalho deposed to the same effect. They gave him only half a ration, consisting of rotten biscuits swarming with weavels. He was watched by a guard with a stick or cane; his sleeping place was between two guns, and on deck, so as to be exposed to the inclemency of the weather. The slaves gradually disappeared from on board. In the course of the night he heard boats coming alongside the "*Flor de Loanda*," which came from the shore.

(Signed as above.)

No. 147.

Mr. Jerningham to Viscount Palmerston.—(Received November 20.)

MY LORD,

Lisbon, November 12th, 1838.

I HAVE the honour to acknowledge the receipt of your Lordship's several dispatches, dated the 3rd of November, and of that dated the 8th of November, marked "Slave Trade," and I shall not fail to execute the instructions which they contain as soon as copies can be made of them and of their enclosures, for official communication to Viscount de Sà da Bandeira.

I have, &c.

(Signed)

G. S. S. JERNINGHAM.

The Right Honourable Viscount Palmerston, G.C.B.

&c.

&c.

&c.

No. 148.

Lord Howard de Walden to Viscount Palmerston.—(Received December 5.)

MY LORD,

Lisbon, 26th November, 1838.

AT an interview which I had on Saturday the 24th with Viscount de Sà da Bandeira, I entered upon the subject of your Lordship's last project of Treaty for the abolition of the Slave Trade, which had been presented by Mr. Jerningham on the 1st of August last. His Excellency at once expressed himself respecting it in a tone which indicated strong indisposition towards it. He declared his readiness to conclude a treaty for the object of rendering the

abolition of the Slave Trade effective, but added, that it must however be such as was suitable to the dignity of the nation. He then declared his willingness to sign the Treaty in the shape it was left by me in May last, abandoning for the present the proposed additional or secret Article, leaving this object to be treated apart. I remarked to his Excellency, that there was now no question of renewing the negotiation on that project; that a new project had been sent out as the *ultimatum* of Her Majesty's Government, which had been prepared with great care, and after due deliberation, and cast in such a form as to obviate the otherwise necessary delay of obtaining the sanction of the Cortes, previous to the ratification of the Treaty, and that it was upon that alone that I could treat with him. I then asked him to point out the stipulations in the new project to which he objected. His answer was to the effect that it was not near so good a project as the one which he would consent to adopt, and that he therefore would not acquiesce in it. I assured the Viscount that on this point he was mistaken, and that while in form it removed the difficulty of a necessary reference to the Cortes, and was rendered of a more efficient character, it appeared to me to contain *no principle* to which the Portuguese Government had objected, or which was not admitted, in the project which he preferred. I remarked, that it might be true that in regard to a guarantee and the protection of the Portuguese Colonies, and a few details as to the mode of rendering the operation of the Treaty really efficient for the object in view, there were some important distinctions; but I reminded him that they were questions of mere detail, not of principle, and in no way inconvenient to the Portuguese Government. As, however, his Excellency was not prepared to point out to me any one particular stipulation which he deemed either insurmountable or objectionable, I made an appointment for a day next week, when he is to go into the project to explain to me the objection to it entertained by the Portuguese Government.

From his Excellency's tone it appears clear to me, that he has at present made up his mind positively to reject the last project presented by Mr. Jer-
ningham.

I have, &c.

(Signed) LORD HOWARD DE WALDEN.

The Right Honourable Viscount Palmerston, G.C.B.

&c.

&c.

&c.

No. 149.

Viscount Palmerston to M. de Carvalho.

Foreign Office, December 14th, 1838.

THE undersigned, &c. has to acquaint the Chevalier de Carvalho, &c. that his Note of the 15th ultimo, containing representations upon the part of the Government of Her Most Faithful Majesty, respecting the Slave-vessel the "*Flor de Loanda*," has been duly taken into consideration by Her Majesty's Government.

M. Carvalho, in that Note, complains first, that the "*Flor de Loanda*," which he states to be a Portuguese vessel, was captured by a British cruizer, to the South of the Line, in violation of the compacts in force between Great Britain and Portugal on Slave Trade.

But on this statement the undersigned has to observe, that although the vessel in question, having 289 Slaves on board, bore, when detained, the flag of Portugal, she was not possessed of the Certificate of Registry, which by the Commercial Code of 1833 is required, in order to entitle a foreign built vessel to be considered Portuguese; nor was she possessed of the passport required by the decree of the 10th of December, 1836, to be carried by any vessel to the South of the Line claiming protection under the Portuguese flag.

On the contrary, many circumstances denoted, that the vessel ought to be considered Brazilian, and that the Slave-trading undertaking on which she was engaged when captured, was carried on by persons who were inhabitants of Brazil.

The person who described himself to be the owner and master of the vessel had been, for several years, a resident at Rio, and had purchased the vessel in that port; the passengers, and other persons on board, were all con-

nected with that place ; the ship's papers were all furnished to her at Rio, and from the time the "*Flor de Loanda*," which had been originally American, was purchased by a merchant resident at Rio, her course of trade had uniformly been from Brazil to the Coast of Africa and back again ; finally, she was captured close to Rio ; and pretexts, evidently unfounded in truth, were assigned, in order to account for her being met with at the place where she was taken.

M. Carvalho secondly complains,—that the captor of the "*Flor de Loanda*," "added to his arbitrary conduct in detaining her, another arbitrary step, in a high degree offensive to the Portuguese Crown, by submitting to the mixed British and Brazilian Commission, at Rio de Janeiro, the judgment of the said schooner."

But in reply to this complaint the Undersigned has only to declare, distinctly and formally, that the Portuguese Government has neither right nor pretension to take cognizance of the conduct, which an officer, acting under Commission from the Crown of Great Britain, may find it his duty to adopt towards any vessel not entitled by Portuguese law to be considered as Portuguese.

M. Carvalho further complains, that after the Mixed Commission at Rio had stated, that sufficient evidence was not brought before them to enable them to pronounce the vessel to be *bonâ fide* Brazilian, "the British Chargé d'Affaires in Brazil did not scruple to make himself a judge of the repressive law of contraband in Brazil, by calling on the Brazilian Government to take charge of the schooner."

To this complaint the undersigned has to give the same answer as to that which preceded it ; and he has further to observe that M. Carvalho, in his comments upon the conduct pursued in this instance by Her Majesty's Chargé d'Affaires has drawn inferences, which are not borne out by the facts which M. Carvalho has stated.

M. Carvalho proceeds to complain—that "the British Chargé d'Affaires, for want of other means to free himself from the business," required the Portuguese Chargé d'Affaires to take charge of the schooner and her cargo, and to cause them to be tried for violating the Portuguese Decree of the 10th of December, 1836.

The undersigned has to observe upon this complaint, that after evidence had been produced, in order to prove that the "*Flor de Loanda*" might eventually be considered Portuguese, the British Chargé d'Affaires was justified in proposing to the Portuguese Chargé d'Affaires to take charge of, and to proceed against the "*Flor de Loanda*," on the ground of her having contravened the law of Portugal. The course which Her Majesty's Chargé d'Affaires adopted on this occasion, appears to Her Majesty's Government to have been open to no just objection, but, on the contrary, to have been proper and respectful towards the Government of Portugal.

The Portuguese Chargé d'Affaires, it is true, declined the proposal ; and the undersigned is sorry to say, that the conduct and language of the Portuguese Chargé d'Affaires, throughout the whole of this matter, do not tend to show that the enforcement of the laws of Portugal against Slave Trade was the first object of his endeavours. It would seem, on the contrary, that his efforts were rather directed to promote the escape of criminals implicated in Slave Trade, and to give circulation to false and foul charges against the British Officers who were endeavouring to bring those criminals to justice.

Some of those criminals are now, it is understood, on their passage to Europe ; and it is to be hoped that they will yet be visited with the punishment due to their crime.

M. Carvalho lastly repeats the charge, already preferred by the Portuguese Chargé d'Affaires at Rio de Janeiro, against the Commander and Officers of Her Majesty's Naval Force at Rio de Janeiro, of cruelty, tyranny, and inhumanity, towards the individuals found on board of the "*Flor de Loanda*."

On this complaint the undersigned has to state to M. Carvalho, that a minute examination into the foundation of those charges was made by the Commander of Her Majesty's Forces on the Brazil Station ; that those charges were wholly and entirely disproved, by the evidence of the very persons who were said to have preferred them ; and that the statements made by the Portuguese Chargé d'Affaires on that occasion turned out to be foul calumnies, invented by parties who were themselves concerned in Slave Trade.

With respect to M. Carvalho's demand that the slave vessel in question, and the Negroes on board her, shall be delivered up by the British Government to her Captain and Owner, the undersigned has only to state, that the disposal of the Vessel and Negroes will depend upon the decision of the mixed Commission at Sierra Leone.

With the other demand of M. Carvalho, that the British Naval Officers concerned in that transaction should be punished, Her Majesty's Government decline to comply; for, in the first place, those Officers have done nothing to deserve punishment, or even censure; but, on the contrary, they have meritoriously performed their duty. And, secondly, the undersigned deems it incumbent upon him distinctly to declare to M. de Carvalho, and through him to the Government of Portugal, that so long as Portugal continues flagrantly and notoriously to violate her Treaty-engagements towards Great Britain, with respect to the abolition of Slave Trade, and so long as the Portuguese Government pertinaciously refuses to conclude with the British Government those arrangements, which are necessary for the faithful execution of stipulations, for which Portugal has, many years ago, received from Great Britain an extremely large sum of money, Her Majesty's Government will never acknowledge the right of Portugal to complain of any proceedings, however summary, to which British Naval Officers may have recourse, against Slave-traders sailing under the flag of Portugal.

The undersigned, &c.

(Signed)

PALMERSTON.

Chevalier M. Carvalho,
&c. &c. &c.

No. 150.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, December 15th, 1838.

I TRANSMIT herewith to your Lordship, for your information, the copy of a Note, which I have received from the Chevalier de Carvalho, &c., respecting the Slave vessel the "*Flor de Loanda*," and a copy of the Answer, which I have returned to the representation of the Portuguese Chargé d'Affaires upon this subject.

I am, &c.

Signed)

PALMERSTON.

The Lord Howard de Walden,
&c. &c. &c.

No 151.

Lord Howard de Walden to Viscount Palmerston.—(Received December 15.)

MY LORD,

Lisbon, November 27, 1838.

THE Viscount de Sà da Bandeira having alluded incidentally, in a conversation I had with his Excellency last week, to the case of the "*Flor de Loanda*," respecting which I learned from him he had given instructions to the Portuguese Chargé d'Affaires in London to address your Lordship, I think it right to report to you what passed on the subject.

His Excellency considered the visit and capture of this vessel by Her Majesty's cruiser "*Rover*," as an infraction of the maritime rights, the independence, and the dignity of the Portuguese nation.

I inquired of his Excellency, whether this "*Flor de Loanda*" was really a Portuguese vessel; he replied that she was navigating under the Portuguese flag, and with Portuguese papers in due order.

I still pressed him on the subject of her real nationality, saying that I had no doubt the Captain of the British cruiser had strong grounds, based on good authority, for her detention, and that it was more than probable she was in fact a Brazilian vessel, although it might be difficult (as was often the case) to bring forward in a court of justice sufficient evidence to ensure condemnation. This the Viscount admitted was not unlikely; but still protested against this exercise of visit south of the Line towards a vessel protected by the Portuguese flag.

Seeing that his Excellency was disposed to make a grievance of this case in a national point of view, I asked him how the Portuguese Government could possibly, in the face of all their declarations of a sincere desire to put down the Slave Trade, take up the case of a slaver employed in a commerce denounced by Portuguese law, with papers obtained probably through fraud, and found with slaves on board. I pressed him to state whether he really believed the vessel to be Portuguese, and further to answer me, whether he meant to contend that the national flag of Portugal was to be allowed, if hoisted on board any vessel whatever, whether entitled to it or not, to exempt a slaver from the visit of Her Majesty's cruisers south of the Line.

The Viscount replied, he did not go that length, but that the Portuguese flag was to be respected south of the Line, and that, in the case in point, the vessel had been detained while under the protection of the national flag and Portuguese papers, and that it was for Portugal to visit the vessel with the penalty of navigating in contravention to her laws.

This I admitted to be true, if the vessel was really a Portuguese; but I begged him to call to mind a case which had occurred when Count de Villa Real was minister. The vessel in question captured turned out to be a Portuguese, and was accordingly restored to her owner after trial (although the slaves were set at liberty), under a decision of the Mixed Commission at Sierra Leone, in consequence of having been captured south of the Line, and there existing no law under which she could be condemned. The Portuguese Government of that day, however, (even previous to the abolition by law of the Slave Trade) felt that they could not with propriety bring forward any claim for indemnity for the detention of this vessel.

I pointed out to his Excellency, that the present case was an infinitely stronger one: that in the first place he was not even certain of the vessel being a Portuguese; that secondly, as minister, he was acting in protection of a vessel, an acknowledged slaver, and actually employed in the traffic of slaves contrary to the Portuguese law; thirdly, that the owners of the vessel, if employed in legal traffic, could at once obtain redress in the British courts against the captor; but I added, that while I could not understand in what shape the owner of the vessel, if a Portuguese, could bring before his own Government a claim for support or protection while employed in the Slave Trade, when the knowledge possessed by them of this fact (of which he could not be ignorant), ought at once to entail upon him and his vessel the penalties of the law of Portugal, I was still more at a loss to conceive, in what way the Portuguese Government could publicly countenance the pretensions of a slaver, and more particularly what could be the items upon which the amount of compensation to be claimed could be calculated.

Having heard of a case somewhat in point (but in some respects not so strong as that against the "*Flor de Loanda*,") and which gave rise to a discussion between the Governments of the United States and of France, and with which your Lordship may possibly not be acquainted, I herewith cite it; it is the case of the "*Jeune Eugene*," determined in the Circuit Court of the United States, at Boston, in December 1821.

I have, &c.

(Signed)

HOWARD DE WALDEN.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 152.

Lord Howard de Walden to Lord Palmerston—(Received December 15.)

MY LORD,

Lisbon, December 1st, 1838.

I had, on Thursday, an interview with the Viscount de Sa da Bandeira, on the subject of the Slave Trade Treaty. On my proposing to enter at once into an examination of the last project, presented by Mr. Jerningham, the Viscount objected to doing so, saying that he was ready to renew the negotiation on the Project of Treaty as it stood on my departure from Lisbon, but that, in consequence of the declarations in the name of Her Majesty's Government, with which the last Project had been accompanied, it was im-

possible for him to negotiate upon the latter. His excellency then read to me the passages of Mr. Jerningham's note of the 1st of August, to which he alluded, which are the following.

"The undersigned has been instructed to observe to His Excellency the Viscount de Sà da Bandeira, that any further delay in concluding this Treaty, or any further proposal of alterations in this draft, must be considered by Great Britain as tantamount to a refusal on the part of Portugal to fulfil the engagements by which she is bound in this matter.

"The undersigned has been further directed to state to His Excellency the Viscount de Sà da Bandeira, that he is instructed positively to refuse to send back again to His Government any of the Portuguese propositions, which Her Majesty's Government have, upon full consideration, rejected.

"With respect to the proposed guarantee of the Portuguese Colonies, the undersigned is instructed to state, that Her Majesty's Government consider such a demand on the part of Portugal unreasonable; and that it is entirely inadmissible by Great Britain."

I replied that I was entirely precluded by my instructions from admitting, as the basis of negotiation, any other project but that last which had been presented on the part of Her Majesty's Government; that with respect to the declarations which His Excellency had quoted, they applied to proposals *such* as were deemed *inadmissible* by Her Majesty's Government, but which did not necessarily constitute *sine quâ non* conditions on the part of the Portuguese Government. I said, that the Portuguese Government might endeavour to obtain *as much* as they could from Great Britain in the shape of guarantee, &c., but that because the British Government did not or could not acquiesce in such stipulations when brought forward by Portugal, there was on that account no reason for not endeavouring to effect the common object they both have in view, namely, the abolition of the Slave Trade, in the mode which might be least objectionable to either party.

The Viscount maintained that the original project was the preferable one, and repeated the opinion he had already expressed on a former occasion, that your Lordship had not taken the trouble to examine it.—I declared him to be entirely in error; that your Lordship had gone over with me the whole Treaty, according to the project preferred by His Excellency, and the project objected to by him, article by article, and that I would, in order to make him understand the complete manner in which this project had been entered into and considered by your Lordship, show him the memorandum which formed the instructions by which I was to be guided. This seemed to produce a change in the Viscount's mind, but in reply, he asked me whether I had read his note of the 6th of October.

I answered that I of course had, but that I did not perceive that therein he had made out any difference in principle between the two projects, in regard to the mode of effecting the suppression of the Slave Trade; that the variations appeared to me to be in detail, with exception of those stipulations which involved considerations distinct from the mere Slave Trade abolition question.

I then said, that I must take that opportunity of remarking upon the inaccuracy of his Excellency's statements, contained in his note of the 6th of October, in which he alluded to the state in which the negotiation of the Treaty was when I left Lisbon, and ascribed the non-conclusion of the Treaty to my unwillingness to delay any longer my departure for England; that I must remind him, that I had all along warned him that I was not authorized by my instructions, to make the various concessions, which were required by him as *sine quâ non* conditions; that I had frequently repeated this to him, and I had fully explained to him that my only motive for continuing the negotiation, and entertaining at all the question of its signature *sub spe rati* was in order to take the chance of the general tenour of the Treaty being considered by Her Majesty's Government *on the whole*, as of a sufficiently efficient character to make it a question whether they should by rejecting it *in toto*, further prolong the horrors of the Slave Trade, or have recourse to the other alternative of acting upon our own interpretation of existing Treaties, in disregard to the dissentient voice of Portugal. I further reminded him that I had broken off the negotiation a fortnight before I finally left Lisbon, on his refusal to make Slave Trade piracy, and on his insisting on the unrea-

sonable stipulations respecting the proposed guarantee, and that I had been induced to renew it, solely on the faith of his assurance that these points might be settled to my satisfaction ; but which, so far from being the case, had been reproduced by him at the last moment, with even more objectionable tenacity. I begged him further to recall to his recollection, that the utmost I had expressed my readiness to do, was to make myself the bearer of the Treaty, and to explain as fairly as I could the motives and embarrassments which told upon and fettered him in the negotiation.

The Viscount did not deny this, although he was unwilling to admit one of those embarrassments of which I reminded him, viz. the interest taken in the continuance of the Slave Trade by some of his political adherents.

I concluded by expressing my conviction that no real difficulty in principle existed to his adoption of the last Project, and calling on him to instance one. After some hesitation and consideration, the Viscount stated that an insurmountable objection existed in the perpetuity of the Treaty ; that Portugal never could concede the perpetual right of search off her coasts ; that it was probable that after some years the Slave Trade would cease, but that then an odious right of Maritime Police might continue to be exercised by Great Britain towards the Portuguese flag.

I endeavoured in vain to combat this apprehension by instancing the example of other nations, the manifest futility of the exercise of such a right without an object. It appeared evident to me that this difficulty was raised as a mere plea for objection ; as, however, our interview had been a very long one, and we had not time then to go through the last Project as I had desired to do, the consideration of it has been postponed till next week.

My impression continues to be, that although the Viscount de Sá cannot refuse to enter into a consideration (apparently at least) of the Project of Her Majesty's Government, yet he has at present made up his mind to reject it.

I have, &c.

(Signed) HOWARD DE WALDEN.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 153.

Lord Howard de Walden to Viscount Palmerston.—(Received December 15th.)

Lisbon, 30th November, 1838.

MY LORD,

WHILE in discussion with Viscount de Sá da Bandeira on the subject of the conduct of Portugal in regard to the Slave Trade, I brought forward the proceedings of Senhor Moreira, the Portuguese Chargé d'Affaires at Rio de Janeiro, which had been officially denounced to his Excellency on the part of Her Majesty's Government by Mr. Jerningham, in his note of the 16th of November, and I pointed out to him how impossible it was that the British public should attach any faith to his assurances of a desire to put an end to the Slave Trade, when they saw that not only the Portuguese Government appeared to shut their eyes to the encouragement given by their agents in every direction to that traffic, but that when even facts were laid before them, making evident the character of their proceedings, not an individual was punished.

The Viscount declared, that he was most ready to punish any one against whom evidence of having been engaged in Slave Trade transactions could be brought in a shape to satisfy the Portuguese Government ; but he contended that Portuguese agents were often most unjustly calumniated. In regard to Senhor Moreira, his Excellency said that the accusations against him were mere assertions, that he had no doubt that Her Majesty's Government, in bringing them forward, attached faith to the correctness of their information ; but that he, having a good opinion of Senhor Moreira, was induced to believe that his character had been grossly traduced ; but he concluded with the assurance that, if any real evidence could be furnished by Her Majesty's Government

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in support of the allegations contained in your Lordship's Despatch, of the 3rd instant, he should immediately be dismissed from his post.

I have the honour, &c.

(Signed) HOWARD DE WALDEN.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 154.

The Chevalier de Carvalho to Viscount Palmerston.—(Received December 21.)

THE Undersigned Chargé d'Affaires, &c. has had the honour to receive the note which his Excellency Viscount Palmerston, &c. addressed to him on the 14th instant, in answer to the note transmitted to his Excellency by the undersigned on the 15th ultimo, containing representations on the part of Her Most Faithful Majesty's Government respecting the capture of the Portuguese Schooner "*Flor de Loanda*" on the Coast of Brazil by the British Sloop of War "*Rover*," commanded by Captain Eden, and begs to inform his Excellency, that a copy of His Excellency's note was forwarded to Her Most Faithful Government by last Saturday's mail.

The Undersigned has the honour, &c.,

(Signed) CHEVALIER REBELLO DE CARVALHO.

London, December 19, 1838.

The Right Honourable Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 155.

The Chevalier de Carvalho to Viscount Palmerston.—(Received December 22.)

MY LORD,

I HAVE been informed that the Captain of the Portuguese Schooner "*Flor de Loanda*," and the Pilot and Boatswain of the same schooner, have arrived under arrest at Plymouth in the British Transport "*Buffalo*" from Rio de Janeiro, and are still kept in prison at that Port on board Her Britannic Majesty's Ship "*San Josef*" by order of the Admiralty.

As I am not aware of the cause of their imprisonment, and it may be in contemplation to send those persons elsewhere, I have the honour to request, that your Lordship will do me the favour to cause them to be detained, and no further steps taken, till I obtain the necessary information, and other particulars to enable me to communicate farther with your Lordship on the subject.

I have, &c.,

(Signed) CHEVALIER REBELLO DE CARVALHO.

London, December 21, 1838.

The Right Honourable Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 156.

Lord Howard de Walden to Viscount Palmerston.—(Received December 23.)

MY LORD,

Lisbon, December 7, 1838.

I HAVE the honour herewith to enclose a copy of a note which I have received from the Viscount de S da Bandeira, in reply to Mr. Jerningham's note of the 16th of November, in which he transmitted to His Excellency a copy of your Lordship's Despatch, marked Slave Trade, of the 3rd ultimo, denouncing the notorious conduct of Senhor Moreira, the Portuguese Chargé d'Affaires in the Brazils, in the protection and promotion of the Slave Trade.

The concluding paragraph of the Viscount's note, in which he says, "nevertheless, the moment that decisive proofs are brought before Her Majesty's Government, which they require, of the prevarication of the said Chargé d'Affaires, they will have no hesitation to punish him accordingly, provided

however, they previously receive the satisfaction demanded in London, for the illegal conduct of the Commander of the corvette "Rover," for detaining the above-mentioned schooner "*Flor de Loanda*," and after it has been restored to the Owner, with full indemnification for the loss and damages sustained," renders but too manifest the spirit in which he is disposed to receive any general information, or direct evidence, however conclusive, as to the infraction of the law in regard to the Slave Trade, even by those Portuguese authorities who hold their situations solely under pleasure of the Crown.

As the Viscount informed me, on my speaking to him on the subject of this note, that he had sent all the documents in refutation of Mr. Ouseley, in support of his own declarations, to the Portuguese Chargé d'Affaires in London, to be communicated to your Lordship, I confined myself to censuring the unsuitable tone of his Excellency's note, and the extraordinary proceeding of justifying, and even adopting, Senhor Moreira's language, in face of the information which had been laid before him. The Viscount again stated, that he had given instructions and sent documents connected with the question to London, where the matter would be treated with your Lordship. Having called his attention, however, to the fact of the declaration he had made in his note, that the Portuguese Government would have no hesitation in punishing Senhor Moreira, should his guilt be proved, provided proper satisfaction should have been previously given by England respecting the "*Flor de Loanda*," being entirely at variance with his declaration to me (as reported to your Lordship in my Despatch of the 30th November), that if any real evidence could be furnished by Her Majesty's Government, in support of the allegations contained in your Lordship's Despatch of the 3rd of November, marked Slave Trade, he, (Senhor Moreira) should immediately be dismissed from his post, His Excellency admitted that it was so; but said that the Portuguese Government had not received satisfaction for the proceedings of Her Majesty's ship, "*Leveret*," at Moçambique, against the Spanish slaver "*Diogenes*," and that they must have reparation now on this case, as well as that of the "*Flor de Loanda*," previous to the Portuguese Government acting upon any representation of Her Majesty's Government against Portuguese agents.

It was in vain that I reminded His Excellency of the real state of the case of the "*Leveret*," of the provocation given by the massacre, by the "*Diogenes*," of some of the crew of the "*Leveret*," and of the reprimand given, notwithstanding, to Lieutenant Bosanquet; of the downright refutation of Senhor Moreira's statements, and of the manifest error in principle of making the punishment of a Portuguese Agent, culpable towards his own country, dependant upon the punishment of the subjects of another country, alleged to have violated some general right of nations, in their praiseworthy efforts to suppress the Slave Trade.

I have, &c.

(Signed)

HOWARD DE WALDEN.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 156.

(Translation.)

Viscount de Sá da Bandeira to Lord Howard de Walden.

MY LORD,

December 1st, 1838.

I RECEIVED two notes from Mr. G. S. S. Jerningham, Chargé d'Affaires, &c. at this Court during your Lordship's absence, both of the 16th of last month, in one of which is transmitted to me, by order of his Government, the Copy of a Despatch which Mr. Ouseley, Chargé d'Affaires, &c. at Rio de Janeiro, addressed to Lord Palmerston on the 15th of last August, accompanying the copy of a note which he had received from João Baptista Moreira, Chargé d'Affaires of Her Majesty at that Court, together with a representation, a copy of which was also enclosed, made by the captain, passengers, and some of the sailors of the ship "*Flor de Loanda*," against the bad treatment received from the officers of the British Navy, who detained them prisoners in the port of Rio de Janeiro, as well as a copy of the answer returned to him by Mr. Ouseley, who complains of the language in

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which both the said representation and answer of the said Chargé d'Affaires which accompanied it, were worded, the conduct of whom (Mr. Jerningham says) the British Government hoped, the Government of Her Majesty would not approve of.

The other above-mentioned note from Mr. G. S. Jerningham was accompanied by the Copy of a Despatch from Lord Palmerston, of the 3rd of last month, which was transmitted to me by order of his Excellency.

The heaviest complaints against Her Majesty's Chargé d'Affaires at Rio de Janeiro are made in the same Despatch, stating that the British Government had received information "from an unquestionable source," showing that that functionary was deeply concerned in the slave traffic, and that partly from threats and partly from bribes, he had declined to take charge of the schooner "*Flor de Loanda*," in conformity with the decree of the 10th December, 1836. That it was well known at Rio that he received 800 milreis for every vessel under Portuguese colours to which he gave protection, and which he either directly or indirectly sanctioned in making the voyage to the Coast of Africa and back, receiving a certain per centage besides upon the number of negroes effectually landed and sold; that such proceeding on his part was well known by the Brazilian Government, who were on the eve of making a representation or complaint against him, and they only refrained from doing it, owing to the difficulty experienced in bringing forward positive proofs, as likewise in consideration of the delicacy to be used towards the representative of a friendly power.

The illegality of the capture of the above Portuguese Schooner "*Flor de Loanda*," made by Her Britannic Majesty's Corvette "*Rover*," in sight of the harbour of Rio de Janeiro, against the express letter of the additional Convention of July, 1817, and of the instructions annexed thereto, and the subsequent iniquitous treatment of which the captain, passengers, and crew of the said schooner have been victims at that port, having been put in irons, deprived of all communication, and even of the necessary support, by the officers of the British Navy, has already been the subject of a representation and a protest, which the Portuguese Government, in a Despatch of the 3rd of November last, have ordered the Chargé d'Affaires of Her Majesty in London to present to the British Government, having forwarded him copies of the declarations by which the pilot, sailors, and passengers of the said schooner confirmed the real existence of such bad treatment, as soon as they were at liberty to do so, by their being sent by Commodore Sullivan, the Commander of the British naval forces in that harbour, to the Marine Hospital of Rio, in consequence of their being affected with scurvy and other diseases, which were the result of bad treatment they suffered in the said port, having been confined on board with such rigour, that the expedient of having them sent to the hospital was only adopted when the representation of the surgeon made them acquainted with the danger incurred of the Commodore's ship's crew becoming infected, *to prevent the communication of their disorder to my ship's company*, as is to be seen in the very letter he addressed to Mr. Ouseley under the date of the 22nd July last, the copy of which is enclosed in the first of the above-mentioned notes of Mr. Jerningham.

However strong it may be thought fit to consider the expressions made use of by the Chargé d'Affaires of Her Majesty, in performance of the duty of his situation, in the representation in favour of her subjects, all the supposed force of such expressions falls to the ground, when compared with the facts that speak much louder for themselves, both respecting the illegality of the detention of the said schooner, and the inhumanity wherewith, almost under the eyes of the said Chargé d'Affaires, those said subjects were treated, which, being so very excessive, could not be expressed in milder terms.

The other above-mentioned charges preferred against the said Chargé d'Affaires being of the greatest weight, they require for the same reason the most minute examination, and, above all, positive and irrefragable proofs, in order that the punishment deserved may be established upon them, as it never can be inflicted on a simple accusation unaccompanied by them, be its origin as *unquestionable* as it may.

It must be observed, however, that if such an accusation reached, as it may be judged, the knowledge of the British Government, by the intervention of Mr. Ouseley, the more it is to be received with caution, as he never will forgive the said Chargé d'Affaires of Her Majesty for the firmness with which, after consulting the opinion of the ablest lawyers of Rio de Janeiro, he refused to take charge of the aforesaid schooner "*Flor de Loanda*," as Mr. Ouseley wished to contrive, in order to save Mr. Eden, the Commander of the British corvette "*Rover*," from the false

position he placed himself in, owing to the detention of the said schooner, particularly after all hope was lost of her being condemned by the British and Brazilian Mixed Commission at Rio de Janeiro, or by the other tribunals of that Court, which he so strenuously and illegally exerted himself to obtain.

It is also necessary to state, for the sake of truth, that Her Majesty's Government having most actively and scrupulously watched, not only over the conduct of the said Chargé d'Affaires but also over that of all the Consuls of Portugal in America, respecting their execution of the repeated orders given to them for preventing the prohibited traffic in slaves, it never received any complaint against the said Chargé d'Affaires, and that the Brazilian Government, far from being displeased with his conduct, has at all times received him perfectly well, of which fact Her Majesty's Government has many proofs.

Nevertheless, the moment that decisive proofs are brought before Her Majesty's Government which they require, of the prevarication of the said Chargé d'Affaires, they will have no hesitation to punish him accordingly, provided, however, it previously receives the satisfaction demanded in London for the illegal conduct of the Commander of the corvette "Rover," for detaining the above-mentioned schooner, "*Flor de Loanda*," and that she has been restored to the owner, with full indemnification for the loss and damages sustained.

I beg your Lordship may be pleased to communicate to Lord Palmerston my present answer.

I avail myself, &c.
(Signed) SA DA' BANDEIRA.

The Lord Howard de Walden,
&c. &c. &c.

No. 157.

Lord Howard de Walden to Viscount Palmerston.—(Received December 23.)

MY LORD,

Lisbon, December 8, 1838.

I HAVE the honour to enclose a copy of a note which I have received from the Viscount de Sá da Bandeira, in reply to the communication made to him by Mr. Jerningham, relative to the notorious participation in the Slave Trade by Senhor Fernandez, the Portuguese Consul at the Havana.

Notwithstanding what the Viscount states as to the dismissal of this Agent a year ago, I have since ascertained that, at all events, no successor has yet been appointed to Senhor Fernandez; nor is it known whether he is or is not even still exercising the functions of Consul of Her Most Faithful Majesty at Havana.

I have, &c.
(Signed) HOWARD DE WALDEN.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

Enclosure in No. 157.

Viscount de Sá da Bandeira to Lord Howard de Walden.

(Extract.)

MR. G. S. S. Jerningham, Chargé d'Affaires of Her Britannic Majesty at this Court, during the absence of your Lordship, transmitted me a Note dated the 16th of last month, containing, by order of Lord Palmerston, a copy of a Despatch which His Excellency has addressed to him, dated the 3rd of last month, in which he complains of the protection afforded by the Portuguese Consul in the Havana, Jose M. Fernandez, to the Slave Trade, and particularly for having backed four times for the Coast of Africa the certificate of registry belonging to the Schooner "*Dous Irmaos*," which had been given to it in Lisbon by the Marine Department; the said schooner having on board, with documents from the above-mentioned Consulate and without previous bail, 24 barrels in pieces, a large boiler, and a great quantity of planks, and being, on its fourth return voyage, captured on the 2nd of April of the present year with 300 slaves on board, by the British brig-of-war, "*Forester*." His Excellency adds; that "it cannot be a matter of surprise that every facility for

carrying on the Slave Trade under cover of the Portuguese Flag should be afforded at the Havana, when it is recollected, that the Consul Jozé Miguel Fernandez, who has been selected to enforce at that place the Laws and Treaties of Portugal for the suppression of the Slave Trade, is one of the most notorious slave-dealers whose names are to be found in the records of the different Mixed Courts; the character and former occupations of Jozé Miguel Fernandez, could not well have been unknown at Lisbon, and it is impossible to expect that the Portuguese Decrees against Slave Trade can be obeyed in the distant Colonies of Portugal, when the government of the Mother Country appoints such a notorious slave-dealer as Fernandez, to be Portuguese Consul at the Havana." "Such an appointment must, on the contrary, inspire a general belief, that the Decrees in question were never meant to be carried into execution."

His Excellency's allegations are particularly offensive to Her Majesty's Government. The prevarication of a public functionary can never give a just reason for blaming and attacking the Government who named him. The said Jozé Miguel Fernandez was recommended to that Government in the most honourable terms, not only by the principal members of the Tribunal of Commerce at the Havana, as well as by other respectable merchants of that city, but also by the Dutch Consul resident there, G. Lobe, and what is more, by the very British Consul of that city himself, C. D. Tolmé, as will be seen by the enclosed copies, which will demonstrate that his Excellency has no grounds for blaming this nomination, and for wishing to deduce from it such strange consequences, as to judge thereby the intentions of Her Majesty's Government, who, not being in possession of such prompt and extensive means of information as the British Government, might themselves, if they wished to make use of the same argument as his Excellency, say, with greater appearance of reason, that the Slave Trade carried on in the Havana under the Portuguese flag and that of other nations, ought to cause no surprise, and that there will be no use in the Portuguese Government making laws and concluding treaties with Great Britain for the suppression of that traffic, when the British Government itself so little intends assisting the former, that it nominates and keeps Consuls like Mr. Tolmé at the Havana, who does not hesitate to recommend this man, who, his Excellency says, was known as one of the greatest slave-dealers in the records of the Mixed Commissions, one of which exists in Havana itself, "*as a gentleman of great respectability and particularly well qualified to fill the office of Consul in that place.*"

It is with such recommendations, and particularly that of the British Consul, that the Government of Her Majesty decided on proposing to her J. M. Fernandez for the said consulate, for which he was named by a decree of the 27th July; but scarcely had four months elapsed, when, owing to proofs received of his prevarication, he was dismissed by the Decree of December 1st, 1837.

The Government of Her Majesty having rendered due justice, spontaneously, publicly, and without any complaint or demand on the part of the British Government, the latter has no just motive to form such accusations from the nomination and behaviour of the said Consul, already punished by his dismissal a year ago, towards the Government of Her Majesty, more especially when it has also such consuls as Mr. Tolmé.

His Excellency also says that he has every reason to believe that the Schooner "*Dous Irmaos*" was Spanish, and that a certificate of registry as being Portuguese was delivered to her from the Marine Department. The mere dictates of urbanity have established, that such assertions should never be emitted without irrefragable proofs; and a simple declaration of the fact can have no credit before an authentic document entered in all due form in a Department of the State.

As for the personal allusion which his Excellency did not omit to make, that the said certificate of registry being signed by me, "I could not fail to regret that my name and authority should be used for so bad a purpose in this transaction," I shall only remark that, although I have many things *opposite* to the case to answer his Excellency wherewithal, I do not intend doing so, because I have always abstained from introducing into an official correspondence matter irrelevant to it.

Begging your Lordship will be pleased to communicate this my Note to Lord Palmerston.

I renew, &c.

December 1, 1838.

Sub-Enclosure in No. 157.

(Translation.)

IN the best mode and form that can and may be, I certify that Don Jozé Miguel Fernandez, an inhabitant and merchant of this place, is a person of extensive information in commercial matters, and honourable and well-bred in his conduct; and I give him this present for the purposes which may suit him.

Havana, March 2, 1836. (Signed) JOAQUIM GOMEZ.

I concur entirely in the preceding certificate.

(Signed) JOZE JOAQUIM DE AIRPUANA.

Havana, March 2, 1836.

I bear testimony to the preceding certificate. (Date as above.)

(Signed) JOSE MIGUEL URCAINQUI.

I bear testimony to the whole of the preceding certificates.

(Signed) JOAQUIM JOZE PEREIRA D'ABREN.

Havana March 2, 1836.

I, Don Juan de Entralgo, one of the public notaries of this city, and of the Royal College thereof, do certify and testify that Senor Don Joaquim Gomez, Don Jozé Joaquin de Airpuana, Don Jozé Miguel Urcainqui, and Don Joaquim José Pereira d'Abren, are, the first, Head of the Royal Tribune of Commerce; the second, Counsel of the said Tribunal; the third, Director of the Company of Maritime Insurance of this place; and the fourth, a merchant here; and that I have always given and do give entire faith and credit to them; and that this may be certified where required, I sign these presents, in the always most faithful city of

Havana, March 3, 1836.

(L. S.) (Signed) JUAN DE ENTRALGO.

A true copy. (Signed) PAULO (*illegible*).

*Office of the Secretary of State for Foreign Affairs,
November 27, 1838.*

I, William Lobe, Knight of the Order of the Lion, Consul-General of His Majesty the King of the Netherlands, in the Island of Cuba, Agent of the Commercial Society of the said kingdom, do certify that Mr. Joseph M. Fernandez of this town, has been known to me for nearly ten years; that during this long period of residence he has never left this capital, and I have never known or heard anything but to his credit; that this worthy person enjoys a first-rate character, from his respectability, public and private; and finally that Mr. Fernandez being a native of Louisiana, possessing in perfection many languages, enjoying a solid credit, being of a conciliatory, sweet, and amiable disposition, and having besides a vast knowledge of foreign commerce, and especially of its application to the law, manners, and customs of Spain, I believe few persons to be more capable, or so well fitted as he is, to represent a foreign government. In faith of which I give these presents, under my hand and the seal of this Consulate-General.

Havana, February, 23, 1836. (L. S.) Signed G. LOBE.

A true copy. (Signed) PAULO (*illegible*).

*Office of the Secretary of State for Foreign Affairs,
November 27, 1838.*

British Consulate, Havana, February 22, 1836.

I, C. D. Tolmé, Her Britannic Majesty's Consul, do hereby certify, that Don Jozé Miguel Fernandez is known to me as one of the most experienced merchants of this city, and as a gentleman of great respectability, peculiarly well qualified in my opinion to perform the functions of a Consul in the Island of Cuba. In witness whereof I have hereunto set my hand and affixed my seal of office, the day and year first above written.

(L. S.) (Signed) C. D. TOLME, Consul.

A true copy. (Signed) PAULO (*illegible*).

*Office of the Secretary of State for Foreign Affairs,
November 27, 1838.*

Lord Howard de Walden to Viscount Palmerston.—(Received December 23.)

(Extract.)

Lisbon, 8th December, 1838. .

I SUCCEEDED on Monday in inducing the Viscount de Sá to enter upon the discussion of the last Project of Treaty for the suppression of the Slave Trade; and I went through, with his Excellency, the various amendments, *seriatim*, which had been made by your Lordship on the Project formerly under negotiation between the Viscount de Sá and myself, as well as the consideration, which, in the opinion of Her Majesty's Government, rendered such alterations necessary.

The main, indeed the only, objections to the new Project which the Viscount de Sá specified were as follows :

1st. The denunciation, in Article 1, of the Slave Trade as "*piratical*."

This the Viscount declared to be absolutely inadmissible, on the worn-out plea of the severity of the Portuguese law against piracy, and the inexpediency, as would regard the conviction or punishment of offenders, of too rigorous an enactment.

2nd. The unlimited duration of the Treaty, unqualified by a right of revision of the details, as proposed by his Excellency in Article 14 of his Project.

To this, his Excellency absolutely refused to consent, on the same grounds already advanced by him, of the necessity of guarding against the possible interference of British cruisers with lawful commerce, by an unnecessary exercise of a right of maritime police off the African coast, even after the Slave Trade may have ceased.

3rd. The refusal to recapitulate the clause (a most important one in the Viscount's estimation) in Article 3 of the Treaty of Vienna of January 22, 1815, by which the engagements of former Treaties were renewed and confirmed. The Viscount declared, that as he should look upon this new Treaty as superseding all former Conventions relative to the Slave Trade, he could not consent to the omission of the required recapitulation.

4th. Annex C, which the Viscount declared to be impracticable in the Portuguese colonies, in its details, and he positively objected to its substitution for the annex as proposed by himself, and in which, he observed, Portugal went further in fact than any other country had hitherto done in any Treaty with Great Britain.

The above constitute the Viscount's objections to the *contents* of the last project of Treaty, but there are, as I understand from him, other *omissions* which he considers very important. With reference to them, his Excellency has proposed at a future occasion to go over the clauses, as formerly proposed by him in the Project which has been under your Lordship's consideration. As I have no expectation of such labours tending practically to any satisfactory result, after the declarations already made to the Viscount in the name of Her Majesty's Government, in conformity with your Lordship's instructions in your Despatch of the 23rd of July last, I shall not press his Excellency again on the subject of the Treaty, until I have received your Lordship's instructions on the main points of dissent as above reported.

Viscount Palmerston to the Chevalier de Carvalho.

HER Majesty's Government have fully considered the note which, on the 27th of March, 1838, the Chevalier Rebello de Carvalho, &c., addressed to the undersigned, &c., respecting the conduct of Lieutenant Bosanquet, of Her Majesty's ship "*Leveret*," towards the Portuguese authorities in the harbour of Mozambique.

In that note M. de Carvalho states, that the Portuguese Government duly appreciates the feeling of regret, which the undersigned had expressed on the part of Her Majesty's Government on account of the conduct of Lieutenant Bosanquet; as well as the assurances given by the undersigned on the part of the British Government, that orders should be issued to prevent similar occurrences for the future. But M. Carvalho adds, that the Portuguese Government do not consider

that expression of regret, and those assurances, as constituting a sufficient reparation for the insult offered to the Portuguese Crown and flag; and he states, that the Government of Portugal further expects from the British Government, that their disapprobation of Lieutenant Bosanquet's conduct should be expressed anew, publicly, and without delay, and in a manner more suitable to what M. de Carvalho terms the enormity of the offence which Lieutenant Bosanquet committed.

M. de Carvalho further requires, in his above-mentioned note, that Her Majesty's Government shall admit a claim, preferred by the owner of the "*Diogenes*," for the sum of 181,855 dollars, as a compensation for the losses and damages, occasioned to him by Lieutenant Bosanquet's detention of his vessel at Mozambique.

In answering these demands, on the part of the Government of Portugal, the undersigned thinks it necessary to take a brief review of the grounds, upon which the complaint of the Portuguese Government rests, and of the circumstances under which the acts complained of took place.

It appears, that Lieutenant Bosanquet, commanding Her Majesty's ship "*Leveret*," entered the harbour of Mozambique on the 20th of September, 1836, and there found a vessel called the "*Socorro*," which was suspected of having sunk an English ship of war, and of having murdered her crew; that Lieutenant Bosanquet requested the local authorities to inquire into the truth of the information which he had received, as to the piratical acts of the "*Socorro*;" that those authorities refused to make the investigation which he demanded, or to give him permission himself to secure the suspected vessel; and it was in consequence of this refusal, that Lieutenant Bosanquet proceeded to search the vessels in the harbour of Mozambique; in order to ascertain whether the "*Socorro*," or any other of those vessels, was the vessel which had committed the act of piracy.

With respect to this head of complaint, the undersigned has to observe, that Her Majesty's Government have already declared their disapprobation of the conduct of Lieutenant Bosanquet, in searching a vessel in a Portuguese harbour, without the permission and concurrence of the Portuguese authorities.

But Her Majesty's Government must, at the same time, observe, that Lieutenant Bosanquet had a right to expect, that the authorities of a Government in amity with Great Britain would have undertaken to make the search requested by him; or would have assisted him in making that search, in order that persons who had been guilty of piracy against a British ship of war might be brought to justice.

The proceeding of Lieutenant Bosanquet was, therefore, not wanton or capricious; and, however irregular that proceeding was in principle, it was, nevertheless, executed in a manner as little offensive as possible, and was unaccompanied by any act of violence.

The second charge brought against Lieutenant Bosanquet is, that he attempted to capture a foreign vessel in the harbour of Mozambique.

It appears from Lieutenant Bosanquet's official report, that on the 9th of September, 1836, in lat. about 25 S., and long. 44° 30' E., the boats of Her Majesty's ship "*Leveret*" were sent to board a brig under Spanish colours, suspected of being engaged in the Slave Trade; that those boats were fired upon when within a few yards of the brig, and were repulsed with the loss of one man killed, and three men wounded.

That Lieutenant Bosanquet proceeded to Mozambique, and communicated these facts to the local authorities; and requested that, if the piratical brig which had committed the offence should touch at Mozambique, she might be detained.

That on the 25th of the same month of September, 1836, a brig, to all appearance that which had fired upon the boats of Her Majesty's ship "*Leveret*," was seen off the bar of Mozambique; and that Lieutenant Bosanquet, actuated by an anxiety to prevent the escape of her crew, ran alongside of her, and immediately took possession of her; and that the brig thus taken possession of proved to be the "*Diogenes*," bound from the Havana, and carrying 8 guns and 56 men.

It further appears, that the brig was fitted for the reception of slaves; her crew having been seen to throw the large boilers overboard, while the "*Leveret*'s" crew were in the act of boarding her: and it appears also, that the captain and the crew of this brig were recognised to be the individuals who had fired upon the boats of the "*Leveret*," a fact which the officers and men of the "*Leveret*" are ready to testify on oath: and it is further stated, that the officers and men of the "*Leveret*" can prove, that one of the men belonging to the "*Diogenes*," when accused of having been concerned in the attack, answered, that he was below in the "*Diogenes*" when the firing from that vessel into the boats of the "*Leveret*" took place.

The statement, which M. de Carvalho transmitted to this Office, contains an assertion that Her Majesty's ship "*Leveret*" fired a broadside at the "*Diogenes*," and killed several of her crew. This assertion, however, is positively denied by Lieutenant Bosanquet; and it is not borne out by the evidence taken before the Portuguese authorities; for that evidence specified the nature of the hurts received by the persons wounded, and those hurts are described as having been given by cutting instruments, and not by the shot of a gun; while no mention is made in that evidence of the death of any one of the crew; it is stated on the contrary by Lieutenant Bosanquet, that he had given orders that no violence should be used in taking possession of the vessel, and that the only fire-arm made use of by the boarding-party was a pocket-pistol, which was discharged once, and without effect. It is, however, admitted that a black man did use some violence in securing the Spanish crew below; but this man was punished by Lieutenant Bosanquet for having so misconducted himself.

It appears, however, on the other hand, that during these proceedings the Portuguese fort fired into Her Majesty's ship "*Leveret*," and that, on the 27th of September, two days afterwards, the "*Leveret*" was again fired upon by the forts, and that the Portuguese authorities took possession of the "*Diogenes*."

But neither did Lieutenant Bosanquet return the fire which was directed against the "*Leveret*," nor did he resist the seizure of the "*Diogenes*;" but upon the occurrence of these circumstances he took his departure from the port.

Her Majesty's Government have already expressed their regret, that the conduct of Lieutenant Bosanquet, in searching the "*Diogenes*," and in retaining possession of her for a time in a Portuguese harbour, should have given just cause of complaint to the Government of Portugal. But it must be remembered, as some excuse for these acts, that Lieutenant Bosanquet had well-founded reasons for believing, that the vessel in question had committed an act of piracy towards Her Majesty's ship "*Leveret*;" and that the authorities of Moçambique had positively refused to afford Lieutenant Bosanquet any assistance towards bringing to justice another vessel, the "*Socorro*," suspected of having committed a similar act of piracy.

It is also to be borne in mind, that at the period when Her Majesty's ship "*Leveret*" took possession of the "*Diogenes*," not fewer than eight slave vessels were lying in the harbour of Moçambique; that the crews of these slave vessels actually manned the batteries which fired upon the "*Leveret*;" and that the fort was to all appearance in the hands of the slave traders, and not under the command of the local Government.

The Undersigned has therefore to request, that the Chevalier de Carvalho will state to his Government, that Her Majesty's Government, upon full consideration of all the circumstances above adverted to, do not think that there is sufficient reason to lead them to express any further censure of Lieutenant Bosanquet's conduct, or to inflict any punishment upon that officer; but, on the contrary, the Undersigned has to state, that the Board of Admiralty have deemed it right to appoint Lieutenant Bosanquet to the command of another ship on the African station, as a reward for the zeal and activity which he has displayed in the suppression of the Slave Trade.

The Undersigned has further to state, that Her Majesty's Government do not think it necessary to give any compensation for losses sustained by the slave trader the "*Diogenes*." Her Majesty's Government, on the contrary, consider themselves entitled to demand, that the Spanish piratical slave-vessel the "*Diogenes*," now held in deposit by the Portuguese Government, be given up, together with her crew, to the British Government, for the purpose of being sent to Sierra Leone, in order to be tried for slave trading by the Mixed British and Spanish Court of Justice at that colony.

The Undersigned has further to state that Her Majesty's Government cannot doubt, that the Portuguese authorities at Moçambique will receive a suitable admonition for having declined to give the assistance which they ought to have afforded to Lieutenant Bosanquet, in order to bring to justice individuals who had committed acts of piracy against British ships of war.

The Undersigned, &c.

(Signed)

PALMERSTON.

Foreign Office, 14th January, 1838.

The Chevalier Rebello de Carvalho,

&c.

&c.

No. 160.

The Chevalier de Carvalho to Viscount Palmerston.—(Received January, 1839.)

THE Undersigned, &c., has the honour to acknowledge the receipt of the note addressed to him on the 14th instant, by His Excellency Lord Viscount Palmerston, &c., in answer to the representations, on the part of Her Most Faithful Majesty's Government on the 27th March, and 24th October, 1838, respecting the occurrence at Mozambique; and begs at the same time to assure His Excellency, that he will not fail to transnit to his Government a copy of the said note by next Saturday's mail.

The Undersigned, &c.,

(Signed) CHEVALIER REBELLO DE CARVALHO.

London, January 17, 1839.

The Right Hon. Viscount Palmerston, G.C.B.,
 &c. &c. &c.

No. 161.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, January 19, 1839.

I HEREWITH transmit to your Lordship, a copy of a note which I have received from the Chevalier de Carvalho, &c., respecting the conduct of Lieutenant Bosanquet of Her Majesty's ship "Leveret" towards the authorities of Mozambique; together with a copy of the answer which I have returned to the representation of the Portuguese Chargé d'Affaires upon the subject.

I am, &c.,

(Signed) PALMERSTON.

The Lord Howard de Walden,
 &c. &c. &c.

For Enclosures, see Nos. 94 and 159.

No. 162.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, 19th January, 1839.

I HAVE received your Lordship's Despatch, Slave Trade, of the 8th of December, 1838, containing an account of a conference you had held with Viscount de Sá da Bandeira, in which that Minister stated his objections to four points of the amended draft of the proposed Treaty between Great Britain and Portugal on Slave Trade, which was enclosed with my Despatch to Mr. Jerminham, of the 23rd of July, 1838.

The first objection stated by Viscount de Sá bears upon the epithet "piratical," which in that draft is applied to the Slave Trade, and which Viscount Sá wishes to omit.

Upon this point I have to desire, that your Lordship will state to Viscount de Sá, that Her Majesty's Government cannot consent to omit the epithet "piratical," because that epithet seems to be peculiarly and justly applicable to the crime of Slave trading.

Your Lordship will also state, that you are instructed to express the surprise of the British Government, that the Portuguese Government, which declares itself to be so anxious to put down Slave Trade, and which professes to hold the crime in such abhorrence, should not only refuse to consent to any measures that would effectually interfere with the pursuits and interests of the Slave traders; but should even object to insert in a Treaty any words that might be offensive to the feelings of those criminals.

You will also take this opportunity of remarking, that it appears to Her Majesty's Government, that if the Government of Portugal were as anxious to protect Slave Trade and Slave Traders, as it declares itself to be hostile to

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both, the course which that Government now pursues upon these matters, would not be ill-calculated to accomplish its purposes.

The second objection urged by Viscount Sa de applies to the unlimited duration of the Treaty, and to the omission of any reservation of a right on either side, to demand a revision of its stipulations after a certain lapse of time.

Upon this point you will remind his Excellency, that almost every Power in Europe has either concluded, or signified its willingness to conclude, with Great Britain a Treaty for the suppression of the Slave Trade; that all the Treaties so concluded contain provisions for a mutual right of search, and that all of them are unlimited in their duration. You will say, that the reason of this is obvious; for, the principles on which those Treaties are founded, namely, an abhorrence of Slave Trade, and a desire to put an end to it, being considered by those Powers as fixed and lasting principles of action, the means by which those principles are to be carried into operation have not been subjected to any limitation in point of time: if then the Government of Portugal shares the determination of the other Powers of Europe, finally and permanently to put down the Slave Trade, there is no reason why that Government should wish to make the Portuguese Treaty, an exception in this respect to all the other European Treaties, nor why Portugal alone should conclude temporary stipulations to ensure the accomplishment of a permanent purpose. But if, on the contrary, (which Her Majesty's Government cannot suppose) the Government of Portugal were insincere in this matter; and in proposing a temporary duration for the Treaty, were secretly intending, that at the expiration of the limited period, the Portuguese Slave Trade should be allowed to revive, that would be a strong and a sufficient reason, why Her Majesty's Government should refuse to consent to the proposed limitation.

You will further say, that the only difference between Portugal and the other Powers of Europe, in regard to Slave Trade, is, that the other Powers have given the Slave Trade up, and no longer permit it to be carried on by their subjects, or under their flag. Whereas Portugal, in defiance of her Treaties, in despite of her solemn assurances, and in violation of her own laws, not only perpetrates the crime of Slave Trade herself, but endeavours to protect, by her flag, every miscreant, to whatever country belonging, who may seek to follow her example. And you will say, that, in the opinion of Her Majesty's Government, this difference, so far from affording a reason for making the Treaty with Portugal less permanent, and therefore less effectual, than the Treaties concluded with other Powers, would, on the contrary, constitute a good reason for making the Portuguese Treaty permanent, even if all the Treaties concluded with other Powers had been limited in duration.

Your Lordship will, upon this point, remark to Viscount de Sá, that when England, in order to compensate Portugal and Portuguese subjects for all the losses which they might sustain by the abolition of the Slave Trade, besides paying 300,000*l.* for captures made previously to 1815, consented to remit all further payments upon a loan of 600,000*l.* raised for the service of Portugal, it was the permanent, and not the temporary, abolition of the Portuguese Slave Trade, which Great Britain thus purchased; and it is therefore the permanent, and not the temporary, abolition of that trade, which Great Britain is resolved now to obtain.

The third objection made by Viscount de Sá is, that the draft of the proposed Treaty does not contain a clause similar to that in the Treaty of the 22nd of January, 1815, by which the engagements of former Treaties of Alliance, Friendship, and Guarantee, between Great Britain and Portugal, were confirmed and renewed.

With regard to this objection, you will state to Viscount de Sá, that Her Majesty's Government see no reason whatever to alter the decision, which has been communicated to the Portuguese Government on this point.

You will repeat the observation which, by my direction, has already been made to Viscount de Sá, that the proposed Treaty on Slave Trade has no bearing whatever on the ancient Treaties between the two countries, and cannot invalidate or annul those Treaties; and that, consequently, there is no ground for contending, that the clause proposed by Viscount de Sá is necessary, in order to prevent this Treaty from abrogating the former and ancient Treaties.

But if such a clause is not necessary for that purpose, it would be not merely

The fourth objection of Viscount de Sâ is to annex C, as contained in the British draft.

Upon this point, you will observe, also, to Viscount de Sá, that he is mistaken in supposing that annex C, as proposed by his Excellency, goes farther than any corresponding arrangement concluded between Great Britain and any other Power; and you will point out to Viscount de Sá, that when he entertained that opinion, he must have entirely overlooked annex C, of the Spanish Treaty.

I am, &c.

Viscount Palmerston to the Chevelier de Carvalho.

The undersigned, &c.

Foreign Office, January 29th, 1839.

§c. §c. §c.

The Chevelier de Carvalho to Viscount Palmerston.—(Received February 1.)

The undersigned begs in reply to state to his Excellency Lord Palmerston, that having only once seen M. Barboza a few days ago, he did not then learn his intentions in the affair in question, nor the place of his abode; and as to

the other individuals, they have not as yet presented themselves at this legation. Under these circumstances, the undersigned regrets that he cannot just now furnish his Excellency with the information requested; but as soon as is able to ascertain M. Barboza's and the other individuals' intentions, he will not fail to acquaint his Excellency with the same.

The undersigned, &c.

(Signed) CHEVALIER REBELLO DE CARVALHO.

London, 31st January, 1839.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 165.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, 2nd February, 1839.

I HEREWITH transmit to your Lordship a copy of a communication, which has been received at this office from the Admiralty, and a copy of the answer which, by my direction, has been given thereto, respecting the disposal of certain persons, part of the crew of the Portuguese schooner "*Diligente*," who, having been captured in that vessel by Her Majesty's ship "*Electra*," have subsequently been brought to England.

The persons in question will be sent to Lisbon, to be delivered up to the Portuguese Government, to be tried for the offence which they have committed against the laws of Portugal.

Your Lordship will communicate these facts to the Portuguese Government, and add, that Her Majesty's Government hope, that the Government of Her Most Faithful Majesty will take this opportunity to carry into execution the declared intentions of the Crown of Portugal against Slave Trade.

I have, &c.

(Signed) PALMERSTON.

To Lord Howard de Walden,
&c. &c. &c.

First Enclosure in No. 165.

Sir John Barrow to Hon. W. F. Strangways.

SIR,

Admiralty, 11th January, 1839.

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of Viscount Palmerston, copies of a letter and its enclosures from the Commander-in-chief at Portsmouth, relative to the capture of the Portuguese brigantine schooner "*Diligente*," with 302 slaves on board, by Her Majesty's sloop "*Electra*," and to the disposal of certain of the crew of the slaver, who have been brought to England in that sloop; and I am to request that you will inform Lord Palmerston, that it is their Lordships' intention (if he approves of it), to send these men to Lisbon, to be delivered up to the Portuguese Government to be tried for the offence they have committed against the laws of Portugal; and should Lord Palmerston approve of their Lordships' intention, my Lords request his Excellency, Lord Howard de Walden, Her Majesty's Minister at Lisbon, may receive instructions to communicate with the Portuguese Government accordingly.

I am, &c.,

The Hon. W. F. Strangways,
&c. &c. &c.

(Signed) JOHN BARROW.

Sub-Enclosure A. in No. 165.

Admiral Durham to Charles Wood, Esq.

SIR,

Britannia, in Portsmouth Harbour, 9th January, 1839.

I TRANSMIT to be laid before the Lords Commissioners of the Admiralty, and for their Lordships' information, a letter from Commander Preston, of Her

Majesty's sloop "Electra," reporting the detention by that sloop, on the 1st December, 1838, in south latitude 16° 38' and west longitude 29° 54' of the Portuguese brigantine schooner "*Diligente*," armed with two long guns and one carronade, and having on board 302 (241 males 61 females) slaves, 34 days from Benguela, and said to be bound to Rio de Janeiro, Monte Video, and Moçambique.

Commander Preston having placed in her an officer and a party (1 lieutenant, 1 mate, 5 seamen, 3 marines) from the "Electra," sent her immediately to Rio for adjudication.

The Boatswain and 13 of the crew of the slaver, named in the Commander's letter, having been brought to England in the "Electra," I request their Lordships' instructions for their disposal.

I am, &c.,

C. Woods, Esq., Admiralty.

P. C. H. DURHAM Admiral.

Sub-Enclosure B in No. 165.

Commander Preston to Admiral Sir P. Durham.

SIR,

Her Majesty's Ship "Electra," 8th January, 1839.

I HAVE the honour to inform you, for the information of my Lords Commissioners of the Admiralty, that on the 1st December, 1838, being in south latitude 16° 38', and west longitude 29° 54', I detained the brigantine schooner "*Diligente*," with two long guns and a carronade, having on board 302 slaves, 34 days from Benguela, said to be bound to Rio de Janeiro, Monte Video, and Mozambique. When first seen she hoisted Monte Videan colours, but when captured, after a chase of four hours and a half, she hoisted Portuguese. She is a very fine vessel, well found, and has been repeatedly chased before.

I despatched her the same day to Rio de Janeiro for adjudication, under the charge of Lieutenant Heseltine, Mr. Parsons, second mate, 5 seamen, and 3 marines.

I have, &c.,

(Signed) WILLIAM PRESTON, *Commander.*

Admiral Sir P. Durham,
&c. &c. &c.

Second Enclosure in No. 165.

Mr. Strangways to Mr. Wood.

SIR,

Foreign Office, Feb. 1st, 1839.

I HAVE laid before Viscount Palmerston your letter of the 11th ultimo, and its enclosures, respecting the disposal of certain of the crew of the Portuguese slaver "*Diligente*," who, having been captured in that vessel by Her Majesty's ship "Electra," have subsequently been brought to England; and I am to request that you will state to the Lords of the Admiralty, that Lord Palmerston concurs in opinion with their Lordships, that it is proper to send these men to Lisbon, to be delivered up to the Portuguese Government, to be tried for the offence which they have committed against the laws of Portugal.

Lord Palmerston desires me to add that, in conformity with their Lordships' suggestion, Her Majesty's Envoy at Lisbon will be instructed to communicate with the Portuguese Government upon the subject; and Lord Palmerston recommends that all the evidence which can be collected on the subject of the Slave Trading expedition of the "*Diligente*," should be sent, together with the men in question, to be given up to the Portuguese authorities, in support of the trial.

I am, &c.,

Charles Wood, Esq.,
&c. &c. &c.

W. FOX STRANGWAYS.

No. 166.

Viscount Palmerston to the Chevalier de Carvalho.

THE undersigned, &c., with reference to the correspondence which has passed between himself and the Chevalier R. de Carvalho upon the case of the

"*Flor de Loanda*" and upon that of the "*Diogenes*," has the honour to acquaint the Chevalier Rebello de Carvalho, &c., that, by a communication which the undersigned has received from the First Lord Commissioner of the Admiralty, it appears, that Mr. Armitage, a Mate of Her Majesty's ship "*Rover*," entrusted with the charge of the slaver "*Flor de Loanda*," and of the persons captured on board that vessel, who have recently arrived in England, has been promoted to the rank of Lieutenant, as a mark of the satisfaction with which Her Majesty's Government have viewed the proceedings of the "*Rover*."

The undersigned has also to acquaint the Chevalier de Carvalho, that the above-mentioned letter from the Admiralty contains an intimation, that it is the intention of the Lords of the Admiralty to promote Lieutenant Bosanquet, of Her Majesty's ship "*Leveret*," to the rank of Commander, and to appoint him to the command of a ship of a superior class, to cruize upon the African Station, as a reward for his activity and perseverance in the suppression of the Slave Trade.

The undersigned requests, that the Chevalier de Carvalho will communicate the preceding statement to the Government of Her Most Faithful Majesty, as containing evidence of the determination of Her Majesty's Government to watch over and, by every proper means, to accomplish the suppression of the illegal traffic in slaves.

Foreign Office, 2nd February, 1839.

The undersigned, &c.
(Signed) PALMERSTON.

The Chevalier Rebello de Carvalho,
&c. &c. &c.

No. 167.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, 2nd February, 1839.

I HEREWITH transmit to your Lordship, for your information, a copy of a note, which, with reference to the case of the "*Flor de Loanda*" and to that of the "*Diogenes*," I have addressed to the Chevalier Rebello de Carvalho, stating that the Lords Commissioners of the Admiralty have promoted Mr. Armitage, Mate of Her Majesty's ship "*Rover*," and intend to promote Lieutenant Bosanquet, Commandant of Her Majesty's ship "*Leveret*."

I am, &c.
(Signed) PALMERSTON.

The Lord Howard de Walden,
&c. &c. &c.

For enclosure see No. 166.

PORTUGAL. (*Consular.*)

No. 168.

Mr. Barker to Mr. Bidwell.—(Received May 3rd.)

*British Consulate, Villa da Praya,
Cape de Verdes, 7th February, 1838.*

SIR,

ON referring back to a letter, dated 31st December, 1837, directed to Lord Palmerston, I find mentioned the two Brazilian Commissioners bound to Sierra Leone.

On the 27th January a Portuguese schooner hove in sight, and remained about the mouth of the harbour four days, discovered that she was a slaver bound to the Gallinas, had touched here for an agent of Don Pedro Blanco, who had not long arrived here from Lisbon; he gave out he was bound to the Brazils.

The Brazilian Commissioners told me in confidence that the vessel's name was "*Sereia*," manned with Spaniards, and that the agent had offered to land them at Gallinas, where they could procure a small vessel for Sierra Leone. They accepted his offer, and left this place on the 31st January, 1838. The names of the Commissioners are Joaquim Feliciano Gomes, and Pereira.

I have, &c.

(Signed) THEOPHILUS BARKER.

John Bidwell, Esq.

No. 169.

Mr. Barker to Viscount Palmerston.—(Received May 3.)

*British Consulate, Villa da Praya, Cape de Verdes.
February 20, 1838.*

(Extract.)

On the 16th of February, 1838, arrived at this Port a vessel under American colours, named the "*Monrovia*," last from Liberia, with a bill of sale and list of crew from the collector of that Colony. This vessel had neither register nor a sea letter. I have ascertained, without doubt, that she is a vessel belonging to Don Pedro Blanco, of the Gallinas, has put in here directed to his Agent for a fit-out for the coast, and that a cargo of slaves is ready for her; the navigator's name is Theofilo de Boudard, or that is the name he goes by here. There is a black man on board for a flag captain; speaks English well; learnt that he is a complete pilot to all the inlets between Sierra Leone and Gambia. He cannot read or write.

Don Pedro Blanco's Agent in Liberia is a J. N. Lewis, Commission Merchant.

On the 16th of February, 1838, arrived the brig "*Montano*;" has reported she is bound to the Canary Islands, but on further inquiry found that she is bound to the coast; last from Havana; she is repairing her bottom, caulking, &c.

CLASS B.

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This moment a small vessel has arrived from Bonavista, and the master tells me that the Governor has made prize of a schooner called the "*Firme*," belonging to Don Pedro Blanco, which has made several voyages to the coast, and escaped to the Havana with Slaves. The captain goes by the name of Jozé Sourvest; he is married to a native of Porto Praia.

No. 170.

Mr. Egan to Viscount Palmerston.—(Received May 23, 1838.)

British Consulate, Cape Verde Islands.

Villa da Praya, December 1st, 1837.

MY LORD,

ON my arrival here, two gentlemen from the Brazils, who were appointed Commissioners by that Government to proceed to Sierra Leone, and join the Mixed Commission at that place, applied to me to use my influence with Lieutenant Rosenberg, commanding Her Majesty's Ship "*Forester*" to give them a passage.

I have the honour to inclose copies of my letter to Lieutenant Rosenberg, and his answer on the subject.

These Commissioners afterwards changed their intentions, having, as they told me, chartered a few days before the arrival of the "*Forester*," a vessel to take them to Sierra Leone; be that as it may, they were taken ill about the time, and are still confined to their beds.

I have, &c.

(Signed)

JOS. EGAN.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

First Enclosure in No. 170.

Mr. Egan to Lieutenant Rosenberg.

British Consulate, Cape de Verde Islands,

Villa da Praya, November 25, 1837.

SIR,

MR. J. F. GOMEZ and Mr. Pereira having this day exhibited to me their commission from the Brazilian Government to proceed to Sierra Leone and their join the Mixed Commission, and being satisfied that their commission is in due order, I am of opinion that it may conduce to the objects respecting the suppression of the traffic in slaves, which our Government has in view, to facilitate the passage of these gentlemen to Sierra Leone.

They represent to me that they have been waiting here for a passage the last eighteen days: under all the circumstances, I feel myself warranted in applying to you, should it not interfere with the regulations of the service.

I have, &c.

(Signed)

JOS. EGAN, *Consul.*

To Lieutenant Rosenberg, H.M.S. "Forester,"
Praya Roads.

Second Enclosure in No. 170.

Lieutenant Rosenberg to Mr. Egan.

H.M.B. "Forester," Praya Roads,

November 26, 1837.

SIR,

I HAVE the honour to acknowledge the receipt of your letter of this day's date, and as I quite concur in your views respecting the passage of Mr. J. F. Gomez and Mr. Pereira, the two Brazilian gentlemen therein mentioned, as attached to the Mixed Commission Court at Sierra Leone, I beg to state that I am prepared to receive them on board Her Majesty's Brigantine under my command.

I have, &c.

(Signed)

G. P. ROSENBERG,
Lieutenant Commanding.

To J. Egan, Esq.
Her Britannic Majesty's Consul.

No. 171.

Mr. Meagher to Viscount Palmerston.—(Received July 31.)

MY LORD,

British Consulate, Lisbon, July 23, 1838.

I HAVE the honour to enclose, for your Lordship's information, the "Diarios do Governo" of the 17th and 20th instant, with translations of two decrees therein respectively contained, by the first of which the present Governor of Angola is dismissed from his situation, for conniving at the Slave Trade; and by the second, the Danish Vice-Consul, at the Island of St. Jago, Cape de Verde, is deprived of his exequatur, for being engaged in that illicit traffic.

I have, &c.

(Signed)

JER. MEAGHER.

The Right Hon. Viscount Palmerston, G.C.B.,

&c.

&c.

&c.

First Enclosure in No. 171.

(Translation.)

*Marine and Colonial Department.**Palace of Cintra, July 14, 1838.*

IT having reached my knowledge officially that Colonel Manoel Bernardo Vidal, the Governor-General of Angola, abusing the trust I reposed in him when I appointed him to fill so important a situation, has given passports to many vessels which, having been falsely represented to have sailed in ballast from the ports of Angola, have subsequently entered the ports of America laden with negro slaves, I am pleased to dismiss the said Manoel Bernardo Vidal from his situation as Governor of Angola, he having ceased to deserve my confidence. The Minister for the Marine and Colonial Departments shall thus understand to give effect to this determination.

(Signed)

THE QUEEN.

(Countersigned)

VISCOUNT SA' DA BANDEIRA.

Second Enclosure in No. 171.

(Translation) *Viscount de Sá da Bandeira to Minister of Marine.*MOST ILLUSTRIOUS AND EXCELLENT SIR, *Foreign Office, July 17, 1838.*

As it appears, from authentic documents existing in this office, that Francisco Cardozo de Mello, Danish Vice-Consul at the Island of St. Jago (Cape de Verde), is implicated in the Slave Trade, I beg your Excellency will order the respective authority to summon the said F. C. de Mello to produce his Patent of Nomination, in order to its being immediately cancelled, and transmitted to this office, by the said authority, who shall at the same time cause it to be made public that such nomination has become of none effect.

(Signed)

SA DA' BANDEIRA.

To the Minister for Marine and Colonial Affairs,

&c.

&c.

&c.

No. 172.

*Mr. Barker to Viscount Palmerston.—(Received August 20.)**British Consulate Cape de Verde Islands, Villa da Praia 16th June, 1838.*

MY LORD,

I BEG to acquaint your Lordship that the Spanish schooner "Victoria," Jozé Lopez Ferreira master, arrived in this harbour on the 2nd June last, in ballast from Havana, and cleared out on the 20th instant for Gallinas for a cargo of slaves, in which inhuman traffic she has been running ever since 1836 under Portuguese colours, my opinion is she has two sets of papers.

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The Portuguese schooner "Roberto," who has been detained here on suspicion of being bound for slaves, but ultimately given up to the consignee and fictitious owners, F. C. Cardozo de Mello, and "Sebastian de Senna," of Bravo, who is mentioned in the Bill of Sale, but whose real owner is Don Pedro Martinez, of Maranham, together with the Portuguese brig "*Don Pedro*," who also underwent an examination on suspicion of being bound for slaves, but for want of evidence was liberated, being on an excursion in the country, and meeting with the officers of the said brig, I was told by the first officer, that last December they left the Cape de Verde Islands with 108 slaves, and landed them all in Maranham: this makes her third trip to these islands, and always consigns to Francis Cardozo de Mello.

The Captain of the Portuguese schooner "*Felix Don Miguel*," that was taken near Martinique, arrived here on the first June last from Bonavista; he states that after landing the slaves at Jamaica, he was sent with the vessel and part of the crew to Sierra Leone to be condemned; that on their passage the vessel was run on shore on the coast of Africa; that he the British officers and crew were made prisoners by the Moors, but, after being twenty days amongst them, they were liberated by the French, at the rate of eighteen sovereigns each; he intends going to Gallinas to join Don Pedro Blanco, who, I presume, was one of the owners of the lost brig.

I have communicated this intelligence to Mr. Ouseley, Chargé d'Affaires for Brazil, who touched here on his passage in the "*Lily*," and who promised to write more fully on the subject to your Lordship.

I have, &c,

(Signed)

THEOPHILUS BARKER.

The Right Hon. Viscount Palmerston,

H. B. M. Acting Consul.

G. C. B., &c. &c. &c.

BRAZIL.

No. 173.

Mr. Gordon to Viscount Palmerston.—(Received May 23.)

MY LORD,

Rio de Janeiro, February 28th, 1838.

I HAVE the honour to acknowledge the receipt, on the 13th instant, by Her Majesty's Packet "Reindeer," of your Lordship's Despatches dated respectively, November 30th, and December 4th, 1837.

I have, &c.

(Signed) G. J. R. GORDON.

*The Right Hon. Viscount Palmerston, G. C. B.,
&c. &c. &c.*

No. 174.

Mr. Gordon to Viscount Palmerston.—(Received May 23.)

MY LORD,

Rio de Janeiro, February 28th, 1838.

I HAVE the honour to transmit to your Lordship the return of Portuguese vessels, which have entered this harbour, after landing their cargoes of slaves in the neighbourhood, during the month of January.

On forwarding to the Brazilian Government the above returns, I took occasion to communicate to his Excellency, the Minister of Foreign Affairs, in the note herewith enclosed, some of the facts so openly in violation of the Slave Trade Convention between Great Britain and Brazil, which I had the honour of reporting to your Lordship, in my Despatch dated January 19th; Senhor Maciel Monteiro assured me verbally, that it was with great pain he had read the above note, and promised me to lay the matter before the Government, in order, if possible, to bring the offending parties to justice: His Excellency has not, however, replied to my note.

I have the honour likewise to transmit, for your Lordship's information, extract of a letter I have received, in which are reported to me two cases, wherein vessels guilty of carrying on the contraband trade in African slaves, have lately been brought before the Tribunals of Brazilian Judges de Paz, whereas, from the nature of these cases, they ought, in conformity with the stipulation of treaties and the laws of the Empire, to have been submitted to the jurisdiction of the British and Brazilian Mixed Commission Court, established in this city; and I propose addressing to the Minister of Foreign Affairs a note, embodying the facts above mentioned, and demanding the correction of the abuse in question.

I have, &c.

(Signed) G. J. R. GORDON.

*The Right Hon. Viscount Palmerston, G. C. B.,
&c. &c. &c.*

First Enclosure in No. 174.

RETURN of vessels engaged in the Slave Trade which have entered this port, under the Portuguese flag, during the month of January, 1838, after having landed their cargoes of slaves on this coast.

No. 1. Brig "*Dois Amigos*," from Quillimane, landed 712 slaves at Sepetiba in daylight.

No. 2. Brig-schooner "*Jupiter*," from Angola, landed 373 slaves at Ilha Grande, in the Fazenda of Castro.

No. 3. Brig "*Generoso*," from Quillimane, landed 800 slaves at Sepetiba.

No. 4. Schooner "*Doze d'Outubro*," from Angola, landed 322 slaves at Copacabana, and they were afterwards deposited at the house of Lieutenant-Colonel Vasco, at the Fort of St. Joao.

No. 5. Brig-schooner "*Innocento*," from Angola, landed 419 slaves at Taipu.

No. 6. Brig "*Fortuna d'Africa*," from Mozambique, landed 712 slaves at Alto Morais, near Taipu.

No. 7. Brig "*Pompeio*," from Angola, landed 420 slaves at the Praya de Copa Cabana.

No. 8. Brig-schooner "*Silencio*," from Angola, landed 504 slaves at Macahé; from thence she proceeded to Montevideo, and has now returned to this port with half a cargo of jerk beef.

Total number of slaves imported by eight vessels, as above, 4242.

Rio de Janeiro, February 1, 1838.

Second Enclosure in No. 174.

Mr. Gordon to Senhor Antonio P. Maciel Monteiro.

Rio de Janeiro, January 27, 1838.

THE Undersigned, &c., has the honour to transmit herewith to his Excellency Senhor Antonio Peregrino Maciel Monteiro, &c., the reports addressed to the British Legation, of slave importation during the months of November and December last.

With reference to this contraband traffic, which has given rise to such constant and repeated remonstrances from Her Majesty's Legation, the Undersigned regrets he has to state to his Excellency that, from all the information he is able to collect, it appears rather to be on the increase than otherwise as will be evident from the following facts.

During the year which has just elapsed, 92 vessels under the Portuguese flag have imported into this province, within a very limited extent of coast, on either side of the entrance of the harbour of Rio de Janeiro, 46,000 unhappy Africans, destined to bear the degrading yoke of slavery. This number exceeds, by 2000, the amount of these wretched beings who were brought into this country during the year 1829, the last in which the traffic was lawful, and when the importation was considered immense.

The above unprecedented importation during the year 1837 has been effected exclusively by vessels under the Portuguese flag, which, however, are, with but few exceptions, foreign built, and have, consequently, no right to be recognised as Portuguese. They have most of them been purchased in Brazil, or have at one period been under the Brazilian flag, and the real owners are either Brazilian subjects, or Portuguese residing in Brazil, and are all, therefore, amenable to the laws of the empire, which they thus shamefully break.

But, not only are negroes imported into the country in this wholesale manner, in flagrant violation both of solemn treaties and of every law, human and divine, but newly-arrived Africans have likewise of late been exposed for sale in the most barefaced manner, in some of the most public situations of the capital and its vicinity, while the law of the country, although armed with all the sanction of legislative enactment, bestowed upon it by the representatives of the nation, sheaths the retributive sword of justice, and, laying aside its powers, appears blind to the existence of such abuses, in

order, as it seems, to be spared the necessity of awarding well-merited punishment to the perpetrators of those dark deeds, the inevitable consequences of the revolting trade in human flesh, and to their, if possible, more guilty instigators and principals therein.

In support of the above, the Undersigned has to state to the Minister for Foreign Affairs, that a number of new negroes were exhibited last Monday week, at the windows of a house occupied by a person named Joao Moreira, situated opposite the gateway of that part of the custom-house called the Estiva. The attention of many of the officers of the custom-house, and among them of the Inspector d'Affandega himself, was forcibly attracted to this public and scandalous violation of the Slave Trade Convention between Great Britain and Brazil; at the house in the Largo do Capim, occupied by Senhor Joao Ventura Roiz, a Portuguese subject, new negroes are on sale; and, finally, in the Rua dos Invalidos, at a house occupied by Joze Antonio dos Santos Xavier, there are likewise on sale a number of new negroes.

Mr. Hamilton Hamilton has, on various occasions brought to the knowledge of the Imperial Government the existence of depôts for the sale of newly-imported negro slaves, and the Undersigned has now to add to such information, that at Taguhay there is established a regular slave-market, exactly as used to be the case before the abolition of the traffic.

In concluding this statement, which the Undersigned sincerely regrets it to have been his duty to make, he will take the liberty of submitting to the known clear judgment and quick perception of the Minister for Foreign Affairs, whether, in the face of the above facts, the Undersigned can, as British representative, rest satisfied with his Excellency's assurances of the anxious desire of the Imperial Government to suppress the traffic in slaves, so repeatedly made to Her Majesty's Legation, or whether Her Majesty's Government, on becoming acquainted with such manifest and unrepressed violation of the Treaty between the two countries for the abolition of that traffic, can consider the Brazilian Government in earnest, when professing its serious intentions and continued efforts to fulfil the provisions of the said Treaty. Recommending, therefore, these questions to the serious consideration of his Excellency, and trusting that the above representations will not remain (as unfortunately many others of like nature have done) without producing some beneficial result to the cause of humanity, to promote which both the British Government and that of his Imperial Majesty stand so solemnly pledged, the Undersigned refrains, at present, from multiplying by additional facts the already numerous subjects of remonstrance connected with the continuance of the contraband trade in slaves, which Her Majesty's Legation has from time to time found it necessary to bring before the Imperial Government, and he avails himself therefore to renew to his Excellency, &c. &c.

(Signed) G. J. R. GORDON.

His Excellency Senhor Antonio P. Maciel Monteiro,
 &c. &c. &c.

Sub-Enclosure in No. 174.

Extract from a Letter dated Rio de Janeiro.

February 12, 1838.

THE Portuguese schooner, "*Josefina*," arrived at this port from Angola, and in the returns of slave-vessels arrived for the month of July last, you will find that the vessel in question was reported as having landed 420 slaves, in a very sickly state, at Campos. On the arrival of the vessel at this port, the Portaria of the late Minister of Justice, Mr. Montezuma, for the more rigorous examination of vessels arriving from the coast of Africa, was in operation, and, in consequence of that Portaria, the vessel in question was detained, and a criminal prosecution was instituted against her crew. Subsequently, the Jury d'accusação found "*Materia d'accusação*," or a true bill against them, but the jury before whom the trial took place, absolved them. Notwithstanding the acquittal of the crew, proceedings were still pending for the condemnation of the vessel, respecting the result of which the owners were in con-

siderable alarm, and have managed by bribery, to get the process or *autos* destroyed. This being done, the reputed owner, Manuel Antonio Ferreira da Silva, petitioned the Minister of Justice to have the vessel delivered to him, upon his giving security for her value; which petition was favourably despatched by an Avizo of the 4th of last month, and on the 13th of the same month orders were transmitted to the Chief of Police for the delivery of the vessel, and she, on the 16th of the same month, was admitted to entry at the Custom-House, and is now preparing for another slave-voyage to Benguella. By the manifest presented to the Custom-House, it is expressly declared that Manuel Antonio Ferreira da Silva is the owner of the vessel. This person is the same who has signed the bond of security in the Department of Justice, for her value, which appears to be very extraordinary, as the Brazilian Government could not be ignorant, that she was accused of having introduced slaves into Brazil; and moreover, it does not appear, from the documents which I have seen, that before conceding to accept of the bond of the owner of the vessel, there was any examination of the process, or an investigation of the nature of the criminal accusation against her.

On a former occasion, when a Portuguese subject resident in Brazil was known to be owner of a vessel engaged in the Slave Trade, he was ordered to leave the country. But, in the present instance, the owner is deemed to be sufficient security for his vessel, and is not disturbed in his residence, and as the process or *autos* have been destroyed, there is no probability he will even be called upon for his bond.

It must be known to the Brazilian Government, that by the law of nations, a foreigner resident, and domiciled in a country, is amenable to the laws of that country, and acquires a national character. Consequently, whenever it was discovered that Manuel Antonio Ferreira da Silva, a resident in Brazil, was the owner of the schooner, "*Josefina*," a vessel accused of being engaged in the Slave Trade, the whole of the negroes found on board, and the circumstances of the case, should have been transmitted to the British and Brazilian Mixed Commission for adjudication, as the only Tribunal established by the existing Treaty, where such cases can be tried.

The circumstances of the next vessel are those of the "*Dozé d'Outubro*."

On the 8th day of January last, information was given to the Government, I believe, by a telegraph, that a vessel was landing slaves outside the bar, in consequence of which, the "*Itaparica*" schooner of war was despatched to examine her, and the next day she returned with the Portuguese schooner, "*Dozé d'Outubro*," the commander of the "*Itaparica*," having brought the Master and his papers, on board the schooner of war. The proceedings adopted with the "*Dozé d'Outubro*" appear to have been of a similar description to those followed in ordinary cases with vessels arriving from the coast of Africa. The institution of a formal process before a Juiz de Paz, and, as was to be expected from the known disposition of all the Juizes de Paz, to favour by every possible means the Slave Traders, independent of the notorious acts of bribery, which are known to have taken place, in such cases, the vessel in question was, a few days ago absolved, and delivered to her owners, the Government having dropped all ulterior proceedings.

It is reported that, notwithstanding that the proofs of illicit traffic were very strong and conclusive, yet the Juiz de Paz has thought proper to disregard them: in fact, it is said the disembarkation of the slaves was distinctly seen from one of the forts, and that the "*Itaparica*" arrived at the captured vessel on the instant when the last of the slaves were landed.

I submit that the adjudication of the vessel in question did not belong to the Juiz de Paz, but exclusively appertained to the Mixed Commission, by virtue of the Alvara of the 26th January, 1818, which says, "No cazo porem de ter havido preza de navio, feita por embarcação de guerra; a respeito d'elle, e sua carga, se observará o que hé prescripto pelo Artigo 7 do Regulamento para as Commissões Mixtas, addicionado em numero 3 a sobredita convenção de 28 de Julho de 1817."

No. 175.

Mr. Gordon to Viscount Palmerston.—(Received May 23.)

MY LORD,

Rio de Janeiro, 28th February, 1838.

I HAVE the honour to inform your Lordship, that M. de Rouen, the French Minister at this Court, stated to me, soon after Mr. Hamilton's departure, that he had been instructed by his Government to negotiate, if possible, a Convention with this country for the suppression of the Slave Trade.

M. de Rouen has since communicated with the Minister of Foreign Affairs on the subject, who replied to his declaration of the wishes of the French Government, that the Brazilian Government would be very willing to enter into negotiations for that purpose, but that it would be perhaps preferable to wait until the Chambers met, and their feelings with regard to it could be in some degree known; and his Excellency adverted, as an instance in point, to the fate of the additional articles to the Slave Trade Convention, between Great Britain and Brazil, which have now been signed two years and a half, and have not yet been sanctioned by the Chambers. M. de Rouen agreed with Senhor Maciel Monteiro in this reasoning; but he intends, when the Chambers are assembled, to repeat his invitation to the Brazilian Government to accede to this philanthropic project.

Senhor Maciel Monteiro expressed to M. de Rouen, as he has done to me, the disapproval of the Marquis de Barbacena's Draft of Law, transmitted to your Lordship in Mr. Hamilton's Despatch of the 3rd of July, 1837 (see Class B, 1837, page 67); and added his conviction, that no Treaty concluded with Brazil would be of any practical use, until means were found for preventing the continuation of the traffic in African slaves under the Portuguese flag; an observation fully borne out by facts, as appears very evident from the Monthly Slave Trade Importations Lists, transmitted to your Lordship by Her Majesty's Legation, which are always filled with the names of Portuguese vessels only.

I have, &c.

(Signed) G. J. R. GORDON.

The Right Hon. Viscount Palmerston, G.C.B.,
 &c. &c. &c.

No. 176.

Mr. Gordon to Viscount Palmerston.—(Received May 28.)

MY LORD,

Rio de Janeiro, 14th March, 1838.

IN acknowledging in my Despatch of the 28th ultimo receipt of your Lordship's Despatch of the 30th of November, 1837, which conveyed to me instructions regarding the course to be followed, in the event of the Report of the Committee of Diplomacy of the Chamber of Deputies, on the subject of the ratification of the additional articles to the Convention for the suppression of the Slave Trade, being adopted by the Brazilian Government, I omitted to state to your Lordship, that that Report was merely read in the Chamber, and that the intervention of what was considered more urgent matter, prevented its being even discussed by that assembly, so that it has never come under the consideration of the Brazilian Government. I have not, consequently, conceived myself authorised, from the conditional nature of the instructions contained in your Lordship's Despatch, above referred to, to remonstrate with the Minister of Foreign Affairs, as therein directed; but, should a similar report be made to the Chamber in the ensuing session, and acted upon by Government, I will not fail to address the latter on the subject, in the sense prescribed by that Despatch. Such a course, however, will, I would hope, be unnecessary, as I have received most positive assurances from Senhor Maciel Monteiro that the ratification of the articles in question will form one of his first cares, during the approaching session of the Brazilian General Legislative Assembly; and Her Majesty's Government may, I trust, entertain hopes of seeing this tardy justice at length accorded; but the numerous broken

CLASS B.

3 A

promises to the same effect, which each succeeding Brazilian ministry has reiterated to Her Majesty's Legation, render it but too necessary even now to contemplate the possibility of this session likewise passing, without their being redeemed; and should such, unfortunately, be the case, to determine beforehand the course it will be proper to pursue, in order to ensure the eventual attainment of the object aimed at.

I have, &c.

(Signed) G. J. R. GORDON.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 177.

Mr. Gordon to Viscount Palmerston.—(Received May 23.)

(Extract.)

Rio de Janeiro, 21st March, 1838.

I HAVE the honour to transmit to your Lordship the return of Portuguese vessels, which have entered this harbour from the Coast of Africa, during the month of February, after landing their cargoes of slaves in the neighbourhood.

I have the honour likewise to enclose herewith a copy of a note I have addressed to the Minister of Foreign Affairs, in conformity with the intention expressed in my Despatch of the 28th ultimo, informing his Excellency, that I had received instructions to protest against the law of the Marquis of Barbacena for the suppression of the Slave Trade, should it pass the Legislature, and obtain the sanction of the Executive. I have also taken occasion in this note, again to urge the Imperial Government to obtain from the Chambers the long-pending ratification of the additional articles to the Slave Trade Convention between the two countries.

First Enclosure in No. 177.

Rio de Janeiro, March 1, 1838.

RETURNS of Vessels engaged in the Slave Trade, which have entered this Port under the Portuguese Flag, during the Month of February, 1838, after having landed their cargoes of slaves on the Coast.

No. 1. Brig "*Leao*" from Bengula: landed 600 slaves on the beach behind Fort Santa Cruz, and from thence they were conducted to the Bay of Jurujuba, where they are publicly exposed for sale.

No. 2. Patacho "*Aguia*," from Angola; landed 473 slaves at Campos, where she took in a cargo of sugar, and proceeded to Montevideo, and has now returned with a cargo of Carne Seca.

No. 3. Bark "*Maria Carlotta*," from Angola; landed 829 slaves at the beach behind Fort Santa Cruz, and from thence they were conducted to the Bay of Jurujuba, where they are publicly exposed for sale.

No. 4. Brig "*Principie Agosto*," from Angola; landed 700 slaves at Ponte Negra.

No. 5. Bark "*Carolina*," from Quilimane; landed 1050 slaves at Campos. The cargo of this vessel belongs to Senhor Pimenta, junior, a notorious Slave Trader, resident in this city, and who assisted at the landing of the slaves.

Total number of slaves imported by the above five vessels, 3652.

Second Enclosure in No. 177.

Mr. Gordon to Senhor Antonio Peregrino Maciel Monteiro.

THE period appointed by the Constitution of the Brazilian Empire, for the annual meeting of the General Legislative Assembly, being now very near at hand, the Undersigned, &c. feels convinced of experiencing from his Excellency, Senhor Antonio Peregrino Maciel Monteiro, Minister, Secretary of State for Foreign Affairs, not only indulgence for the present intrusion on

his valuable time, but likewise full coincidence in his apprehension of its necessity, when he takes the liberty of soliciting his Excellency's serious attention to the following brief statement, respecting the light in which is considered by Her Majesty's Government the Project of Law of the Marquis of Barbacena, for the more effectual Suppression of the Slave Trade, the discussion of which will, the Undersigned is led to believe, occupy a very prominent place in the labours of the approaching Session. The Undersigned is encouraged more especially to address Senhor Maciel Monteiro on this occasion, by the frequent protestations and assurances made to him and his predecessor, by his Excellency and former Ministers of his Department, of the anxious desire and unceasing endeavours of the Imperial Government to co-operate with that of Her Britannic Majesty, in fulfilling to the uttermost the provisions of the existing Convention between the two Governments, for the said eminently philanthropic object.

In fulfilment of his purpose, the Undersigned desires to communicate to Senhor Maciel Monteiro, and through him to the Government of His Imperial Majesty, the fact, that Her Majesty's Government, on learning the nature of the provisions of the law referred to, made Her Majesty's Legation here aware of its decided opinion, that they were entirely subversive of the stipulations of the Convention, whose aim they were ostensibly intended to advance and protect; and the Undersigned has lately been furnished with instructions of so clear and positive a character, that he will feel himself constrained, should the above law by any possibility pass the Legislature, and obtain the sanction of the Executive, to enter a formal protest against it, as being directly opposed to the existing engagements between Great Britain and Brazil.

In making to His Excellency, Senhor Manciel Monteiro, the above communication, the Undersigned would earnestly deprecate all misconstruction of his motives, as though they were prompted by a spirit of interference in the internal concerns and Legislature of the Brazilian Empire, on his own part, or on that of the nation he has the honour to represent. He is induced rather thus to address His Excellency from a feeling that, inasmuch as to prevent any act is always easier and better than to retrace steps once made, so also timely remonstrances against a contemplated measure are more advantageous than the most energetic representations subsequent to its completion.

While he flatters himself, therefore, that what he has brought forward above may conduce to this most desirable end, the Undersigned feels persuaded at the same time, that he only strengthens the hands of the Brazilian Government, in thus affording a powerful argument, in addition to the many it must already possess, for opposing the above Law of the Marquis of Barbacena, by communicating to it the views of Her Majesty's Government respecting it, so completely in accordance as they are with those professed by that of His Imperial Majesty.

The Undersigned will likewise take advantage of this opportunity to repeat to the Imperial Government the urgent recommendations, so often though fruitlessly made to it by Her Majesty's Legation here, not to permit the ensuing Session of the General Legislative Assembly to pass over, without obtaining from it the ratification of the Additional Articles to the Slave Trade Convention between the two countries, now so long agreed to by their respective Governments. The justice of the claim of Her Majesty's Government to have this ratification consummated is not to be disputed, and His Excellency cannot but perceive that, unless the Imperial Government employs its utmost endeavours and uses all its means thus to conclude an act, to which its faith has been pledged for upwards of two years, it must remain very difficult, if not impossible, for Her Majesty's Government to place much confidence in the reiterated professions of the former, of its anxious desire cordially to assist the latter in its unceasing efforts for the final abolition of the traffic in slaves.

Rio de Janeiro, March 26, 1838.

The Undersigned, &c.

(Signed)

GEORGE J. R. GORDON.

His Excellency Senor Antonio Maciel Monteiro,

&c.

&c.

&c.

No. 178.

Viscount Palmerston to Mr. Gordon.

SIR,

Foreign Office, 24th May, 1838.

I HEREWITH transmit, for your information, two copies of two series of papers relative to the Slave Trade, which have been presented to the two Houses of Parliament, during the present Session, by Her Majesty's command.

I am, &c.

(Signed)

PALMERSTON.

G. J. R. Gordon, Esq.

&c. &c. &c.

No. 179.

Viscount Palmerston to Mr. Gordon.

SIR,

Foreign Office, 31st May, 1838.

I HAVE received your Despatches, marked Slave Trade, up to that of the 21st of March, 1838.

Her Majesty's Government entirely approve the line of conduct, which you have adopted with respect to the Project of a Law on Slave Trade, which has been brought before the Brazilian Legislature by the Marquis of Barbacena; and I have to inform you, that you have acted correctly, in taking care, that the sentiments of Her Majesty's Government upon that proposal should not be misunderstood.

You will continue to use your best efforts, to induce the Brazilian Minister to give his effectual opposition to the Bill.

I am, &c.

(Signed)

PALMERSTON.

G. J. R. Gordon, Esq.,

&c. &c. &c.

No. 180.

Viscount Palmerston to M. Galvao.

THE undersigned, &c. has to request, that M. Galvao, &c. will draw the attention of the Brazilian Government to the following statements, collected from information, which has been received by Her Majesty's Government within the last twelve months.

It appears, that during the year 1837, ninety-two vessels imported into the Province of Rio de Janeiro alone, the enormous number of 46,000 African Slaves. This number exceeds that of the Slaves imported into Brazil in 1829, the last year during which the Slave Trade was permitted by the Brazilian law, and during which a larger number of Slaves were imported than in any previous year.

It further appears, that this great importation of Slaves in 1837 was effected, almost exclusively, by vessels bearing the Portuguese flag, but the greater part of which not having been built in the Portuguese dominions, were not entitled to the protection of that flag.

Most of these vessels had been purchased in Brazil, or had at some previous period sailed under the Brazilian flag. The real owners were either Brazilian subjects, or Portuguese subjects resident in Brazil, and therefore they were all of them amenable to the laws of Brazil; but they were all permitted by the Government of Brazil to break those laws with impunity.

It further appears, that newly-imported Negroes have been publicly exposed to sale in the streets of Rio de Janeiro; and at Taquahay a regular Slave market has been established, exactly in the same manner in which such markets used to be held, before the Slave Trade was abolished in Brazil both by treaty and by law.

The laws of Brazil are thus allowed to remain a dead letter; and the autho-

rities of the empire look on at their violation, with passive and conniving acquiescence.

Her Majesty's Chargé d'Affaires at Rio de Janeiro has recently felt it his duty to make the following statement, in a Note which he has presented to the Brazilian Government:—

"A number of new Negroes were exhibited last Monday week, at the windows of a house occupied by a person named Joao More'ra, situated opposite the gateway of that part of the Custom House called the Estiva. The attention of many of the officers of the Custom House, and among them of the Inspector d'Afandega himself was forcibly attracted to this public and scandalous violation of the Slave Trade Convention between Great Britain and Brazil. At the house in the Largo do Capim, occupied by Senhor Joao Ventura Roiz, a Portuguese subject, new Negroes are on sale. And finally, in the Rua dos Invalidos, at a house occupied by Jozé Antonio dos Santos Xavier, there are likewise on sale a number of new Negroes."

The undersigned requests, that M. de Galvao will submit the foregoing facts to the most serious and immediate attention of the Government of Brazil; and that, with reference to communications already made to it on this subject, by the British Government, he will intreat the Cabinet of Rio de Janeiro to consider the consequences which must necessarily ensue, if Brazil shall continue thus to violate its Treaty with Great Britain.

Foreign Office, 5th June, 1838.

To M. Galvao,
&c. &c. &c.

I am, &c.
(Signed) PALMERSTON.

No. 181.

Viscount Palmerston to Mr. Gordon.

SIR,

Foreign Office, June 6th, 1838.

HER Majesty's Government highly approve of the Note which you presented to M. Maciel Monteiro, on the 27th of January, 1838, on the subject of violations of the Slave Trade Convention between Great Britain and Brazil, by Brazilian subjects within the Province of Rio de Janeiro, in 1837.

I herewith transmit to you the Copy of a Note which I have addressed to M. Galvao, upon the same matter.

G. J. R. Gordon, Esq.
&c. &c. &c.

I am, &c.
(Signed) PALMERSTON.

No. 182.

Viscount Palmerston to Mr. Gordon.

SIR,

Foreign Office, June 9th, 1838.

I HEREWITH transmit to you the Copy of a Resolution, which was voted unanimously by the House of Commons, on the 10th of May, 1838, for an Address to Her Majesty upon Slave Trade; and a Copy of the Answer, which, on the 23rd of the same month, Her Majesty was pleased to return to that Address.

You will see from these Papers the unceasing and anxious desire of the Parliament and Government of this country, for the extinction of the traffic in Slaves. I am commanded by Her Majesty to instruct you to communicate these Papers to the Brazilian Government, and earnestly to press upon them the immediate conclusion of the negotiations, with which you are charged on this subject.

G. J. R. Gordon, Esq.
&c. &c. &c.

I am, &c.
(Signed) PALMERSTON.

M. Galvao to Viscount Palmerston.—(Received June 23rd.)

LE Soussigné, Envoyé Extraordinaire et Ministre Plénipotentiaire de sa Majesté l'Empereur du Brésil, a l'honneur d'accuser la reception de la Note que son Excellence Monsieur le Viscomte Palmerston, Principal Secrétaire d'Etat de sa Majesté Britannique au Département des Affaires Etrangères, lui a adressée en date du 5 courant, au sujet de l'importation dans la province de Rio de Janeiro, d'Esclaves Africaines.

Le Soussigné assure à son Excellence Monsieur le Viscomte Palmerston, qu'il n'a pas manqué de transmettre à son Gouvernement la Note en question, en conformité avec le désir exprimé par son Excellence.

York Terrace, le 21 Juin, 1838.

Le Soussigné, &c.

(Signed)

M. A. GALVAO.

Son Excellence Monsieur le Viscomte Palmerston,

&c. &c. &c.

(Translation.)

York Terrace, June 21, 1838.

THE undersigned, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the Emperor of Brazil, has the honour to acknowledge the receipt of the Note which his Excellency, Viscount Palmerston, &c. addressed to him on the 5th instant, on the subject of the importation of African Slaves into the Province of Rio de Janeiro.

The undersigned assures his Excellency, Viscount Palmerston, that he has not failed to transmit to his Government the Note in question, in accordance with the desire expressed by His Excellency.

The undersigned, &c.

(Signed)

M. A. GALVAO.

His Excellency Viscount Palmerston,

&c. &c. &c.

Mr. Gordon to Viscount Palmerston.—(Received July 2.)

MY LORD,

Rio de Janeiro, April 1, 1838.

WITH reference to the Note I addressed to the Brazilian Minister of Foreign Affairs, on the 20th ultimo (inclosed in my Despatch dated March 21), respecting the course Her Majesty's Legation would be under the necessity of pursuing, should the project of Monsieur de Barbacena, for the more effectual suppression of the Slave Trade, become the law of the land; I have the honour to inform your Lordship, that I waited yesterday, by appointment, on Senhor Maciel Monteiro, in order to receive from his Excellency a communication respecting the said Note. At this interview his Excellency began by expressing the satisfaction he experienced, in having received the representation I had made to the Brazilian Government, and appeared to appreciate entirely the motives which had induced it; but he remarked, at the same time, that one clause therein appeared to attribute to the Imperial Government more decided intentions, with regard to the above project of Monsieur de Barbacena, than any of his (Senhor Monteiro's) statements on the subject, could have warranted me in imputing to it. The clause referred to by Senhor Maciel Monteiro, is contained in the fourth paragraph of the Note in question, and runs thus,—“And while he (the undersigned) infers, as he is gratified to do, from various conversations he has had the honour to have with his Excellency on the subject, that it is the fixed intention of the Brazilian Government to oppose the law of the Marquis of Barbacena.”

Senhor Maciel Monteiro begged me to observe, with regard to this clause, that although he had repeatedly assured me, and desired now again to do so, that it had long been his determination to oppose the law in question, in his place in the Chamber of Deputies, he had never intended to pledge the Brazilian Government to that course; that he had spoken in his individual capa-

city of Member for Pernambuco, and not as forming part of the Imperial Administration; that, however, although he was not at liberty to report the individual opinions of the several Members of that Administration, he could assure me that a majority thereof had pronounced themselves against the project, and that he would endeavour in his Relatorio to the General Legislative Assembly, to engage the influence of his Government also in a like opposition thereto. For these reasons, therefore, his Excellency requested me to alter the paragraph under consideration, in the sense now explained.

I stated, in reply to Senhor Maciel Monteiro, that his Excellency had always spoken to me so decidedly of the opposition he intended to offer to the project of M. de Barbacena, if brought again before the Chambers, that I had conceived myself justified in supposing, that he had spoken the sentiments of his Government respecting it; that I much regretted to find that my own sanguine hopes, perhaps, had been the cause of leading me to an erroneous conclusion on this point; that his Excellency's present statement to me must tend to expose to doubt and uncertainty the real designs of the Imperial Government on this important subject, but that I could not, of course, hesitate, under the circumstances to correct my error, since such it was, and to make the alteration in my Note which his Excellency desired; and I have now the honour to enclose herewith that portion of the said Note in which this alteration has been made, and to take the liberty of requesting it may be substituted for the corresponding sheet of the copy thereof inclosed in my Despatch of the 21st ultimo.

After the above conversation, Senhor Maceil Monteiro proceeded to state his firm conviction that, according to every probability, the law referred to would either be thrown out by the Chambers, or would never be discussed by them, and His Excellency supported this opinion by the fact, that the present Chamber of Deputies, being a new one, the Members are sure of their seats for the next four years, and being therefore, probably, guided by sound reason and justice rather than by popular clamour, they will be more inclined to pass salutary and politic laws, than to be induced, by the lawless desires and opinions of the criminal traffickers in human flesh, to facilitate by legal enactments a trade, which has hitherto been contrary both to law and treaty; while, on the other hand, the Session of 1837, was the last of the last Legislature, and Members, not sure of being re-elected, endeavoured to conciliate and secure the support of a portion of their constituents, by speaking and voting against the law of November 7, 1831, and for the project which was intended to repeal it. This argument, if well founded, is likewise, I need scarcely observe, equally applicable to the probability, which I would fain hope exists, that the Additional Articles to the Slave Trade Convention, signed by Mr. Fox and the Brazilian Government, will at length be ratified in the approaching Session of the General Legislative Assembly.

Senhor Maceil Monteiro concluded by calling my attention to the resolution adopted by the Provincial Assembly of St. Paul's, of petitioning the General Legislative Assembly to take measures for the more effectual fulfilment of the law of November 7, 1831, for the Suppression of the Slave Trade; and I have the honour to inclose an Extract from the Speech of the celebrated Senhor Antonio Carlos de Andrada, on closing the former, as its President. This gentleman, I am happy to add, is also a Member of the Chamber of Deputies, where he is one of the first orators, and enjoys, from his name and political life, very great influence.

It was of course my duty to report to your Lordship, at any rate, the facts of the present Despatch; but I must likewise mention, that Senhor Maciel Monteiro begged me to communicate to your Lordship the substance of the above conversation, and, in particular, his Excellency's decided opinion, that Monsieur de Barbacena's Project of Law would not pass the Brazilian Legislature.

I have, &c.

(Signed)

G. J. R. GORDON.

The Right Hon. Viscount Palmerston, G.C.B.,

&c. &c. &c.

Enclosure in No 184.

(Translation.)

Extract from the Speech of Senhor Antonio Carlos de Andrada, President of the Provincial Assembly of S. Paulo, on closing the Session for the Year 1838.

"The shameful traffic in human flesh, that cancer of Brazil, having increased in the province to a frightful extent, either through defect in the law, or rather from the culpable neglect of those who ought to prevent it, it required the intervention of the General Legislature, and you have solicited it with all due respect."

No. 185.

Mr. Gordon to Viscount Palmerston.—(Received June 23.)

MY LORD,

Rio de Janeiro, April 19, 1838.

WITH reference to my Despatch of the 28th February last, I have the honour further to report to your Lordship, that Baron Rouen, the French Minister at this Court, has considered it expedient to address to the Imperial Government a note, embodying the substance of his verbal communication with Senhor Maciel Monteiro, respecting the conclusion of a Slave Trade Convention between their two Governments, similar to that which exists between Great Britain and Brazil, and formally inviting the Government of His Imperial Majesty to accede to this philanthropic proposition. M. de Rouen has not as yet received any reply to this note.

In a conversation I had the honour to have yesterday with the Minister of Foreign Affairs, his Excellency informed me, as a proof of the sincerity of the Brazilian Government, in their professed wishes to put a stop to the abominable traffic in human flesh, that he was about to issue to the Brazilian representatives, at the Courts of London and Lisbon, fresh instructions, directing them to use their utmost endeavours to conclude, between the Crowns of Brazil and Portugal a Treaty, in which the final abolition of the Slave Trade should be expressly stipulated, and effectual provisions made for preventing Portuguese subjects any longer so shamefully disgracing the flag of their country, as to employ it, as they now so commonly do, in covering enterprises of this highly criminal character. Senhor Maciel Monteiro likewise communicated to me his intention to oppose all further negotiations, for the settlement of the now pending Portuguese claims on Brazil, until the Government of the former nation should accede to a Treaty of the above nature. The Minister of Foreign Affairs promised, at the same time, to communicate to me the Despatches he purposes addressing to Senhores Galvao and Macedo, conveying to them these instructions; and I trust I shall then be enabled to report to your Lordship more circumstantially the course, which the Government of His Imperial Majesty intends pursuing in this matter.

I have, &c.

(Signed)

G. J. R. GORDON.

The Right Hon. Viscount Palmerston, G.C.B.,
 &c. &c. &c.

No. 186.

Mr. Gordon to Viscount Palmerston.—(Received June 23.)

MY LORD,

Rio de Janeiro, April 21, 1838.

I HAVE the honour to inform your Lordship, that Her Majesty's ship "Rover," Charles Eden, Esq., commander, entered this harbour on the 14th instant, in company with two slave vessels she had made prizes of, at but a short distance from the coast, between the 11th instant, on which day Her Majesty's ship left this harbour for England, and the former date.

One of the prizes proved, on taking possession of her, to be the schooner "*Flor de Loanda*," with a master, mate, and crew of 15 men, and

having on board 280 negroes. On being detained by Captain Eden, this vessel hoisted Portuguese colours, but the master could produce no Portuguese register, nor the necessary Royal Portuguese permit for carrying slaves. Besides the crew and the slave cargo, there were on board four individuals who represented themselves to be passengers from Angola, but who, it is nearly certain, are inhabitants of Rio de Janeiro, who went off to purchase the negroes, or are otherwise concerned in the vessel. The master, in answer to the first interrogatories of the boarding officers, declared that he was bound for Monte Video, but was forced to bear up for Rio de Janeiro from want of water, a statement which was fully disproved by a larger quantity of water and provisions being found on board, than was necessary to carry the vessel to her pretended destination.

The second prize was boarded by an officer and nine men of Her Majesty's ship "Rover," on its being perceived that, after a chase of some distance, the crew of the former were about to desert her, and thus devote both the vessel and her miserable cargo to inevitable destruction, on the rocky shore towards which she was fast drifting. The boats of Her Majesty's ship reached the prize just as her own crew left her, and found 207 negroes on board, with evident indications of a communication having been already effected with the shore. This vessel was a brigantine, and had shown no colours, although those of Brazil were found bent on the signal halyards by the boarding officer. No register nor papers, to indicate the vessel's name or nationality, were found on board.

These two cases are now both before the British and Brazilian Mixed Commission Court for adjudication; and the proofs of their guilt, and of their being Brazilian property, appear so clear, that no doubt can, I trust, be entertained of their being finally condemned and judged good prizes.

It is now so long, since an occurrence of this nature has happened here, and the traffickers in African slaves have become, from long impunity, so daring and so careless in their operations, that the capturing of these two vessels has produced an unusual excitement, and the animosity of those concerned in them against Captain Eden, is unbounded and openly expressed: indeed, so prominently has this feeling been displayed, that great fears have been entertained that a rescue of the prisoners, while conducted through the town to be examined before the Mixed Commission Court, would be attempted, by the friends of these miscreants and their employers, and Captain Eden requested me to apply to the Brazilian Government for a guard to escort them, whenever they might be required by the Court. I did not hesitate to comply with this request, and I have the honour to transmit herewith a copy of the note I addressed to Senhor Maciel Monteiro on the occasion. His Excellency, in a conversation I had with him on the subject, showed himself disposed to further, in every way, the bringing of these criminals to justice, and Enclosure No. 2 will convey to your Lordship his accession to my demand, and the steps which have been taken by the Brazilian Government, for preventing any attempt of the nature apprehended being made.

The examination of the pretended passengers found on board the "*Flor de Loanda*," will expose, it is confidently expected, many of the ramifications of the odious traffic in African slaves, carried on here to such an extent, and will afford much information as to the mode in which it is managed; and I regret to have to add, that it appears probable, that much British capital is engaged therein, even directly. Indirectly, many British houses in this city have for some time past greatly assisted enterprises for the nefarious end. Formerly, when it was believed that the risk of being taken by British cruisers was considerable, no merchant would sell the goods suitable for the African market unless he received ready money for them; but since it has been perceived that such risk is very small indeed, British houses have altered their rule in this respect, and they now allow the slave-dealers to purchase such goods as they have need of on credit, the debt to be paid at the conclusion of the speculation they were employed in.

I would on this occasion only further beg permission to call your Lordship's attention to the additional proof, afforded by the capture of these two vessels, of the powerful effect a few small fast-sailing ships of war would have in preventing the Slave Trade on this coast. The number of vessels engaged in that horrid traffic increases every year, and on the night of the very day on

which Her Majesty's ship "Rover" brought into this harbour her two prizes, a large barque landed successfully nearly 700 negroes, even within its entrance. Should, therefore, Her Majesty's Government determine in its wisdom to station such a squadron on this coast, the success of their efforts cannot be doubted: and I feel confident that a further and most important step towards the abolition of the inhuman traffic, to effect which so many sacrifices have been already made by Her Majesty's Government, would then be attained.

I have, &c.

(Signed)

G. J. R. GORDON.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

First Enclosure in No. 186.

Mr. Gordon to M. Monteiro.

MONSIEUR LE MINISTRE,

Rio de Janeiro, April 16th, 1838.

I HAVE the honour to inform your Excellency, that Her Majesty's ship "Rover," having left this harbour on the 11th instant, had the good fortune to capture, on the evening of that day, a large slave schooner near the island of Marica. The schooner hoisted Portuguese colours, and, on the boats of Her Majesty's ship taking possession of her, she proved to be the "*Flor de Loanda*," with 289 negroes, from the coast of Africa, on board; but the accounts of those of the crew who were examined were so contradictory, that it cannot be as yet ascertained with certainty from what part of that coast she came.

Besides the regular crew, there were on board several individuals, who represented themselves to be passengers from Angola, but strong suspicions exist that some, if not all, of these persons are inhabitants of Rio de Janeiro, and, in fact, owners of, or otherwise concerned in, the nefarious enterprise, which will now, I trust, meet with its due punishment.

Although the Master and crew of the "*Flor de Loanda*" assert her to be Portuguese, and hoisted the colours of that nation, surmises, amounting almost to certainty, have been excited, by various circumstances, that she is, in fact, Brazilian property; as such, she is consequently amenable to the jurisdiction of the British and Brazilian Mixed Commission Court, established in this capital, and the captor has therefore already laid the case before that Court, which will commence proceedings in the same on Wednesday next, the 18th instant.

I feel convinced that the Brazilian Government will be as anxious as myself to see condign punishment awarded to the miscreants, who were immediately engaged as Master and crew of the "*Flor de Loanda*," in the inhuman speculation in which she was employed, as well as to all those who were interested therein; but I fear that, from the desperate character of these men, who amount in all to upwards of 20, attempts at escape will be made by them, on their way from the landing-place to the Mixed Commission Court, where they must be examined, and probably more than once, during the trial. I take the liberty, therefore, of requesting your Excellency will communicate to the proper authorities the above facts, and will represent to them the necessity of providing a sufficient guard, to be placed at the disposition of the said British and Brazilian Mixed Commission Court, as long as it may be found necessary, in order effectually to obviate all attempts at escape or communication, which might be made by the accused or their friends while being conducted either from the landing-place to the Court, or back again to the beach, since, until the decision of that tribunal be known, these men will be necessarily detained prisoners on board Her Majesty's ship "Rover."

Conceiving that it will interest your Excellency, I take advantage of this opportunity of informing you, that Her Majesty's ship "Rover," as she was about to re-enter this harbour with her prize the "*Flor de Loanda*," saw and gave chase to a second suspicious-looking sail, which finally proved to be likewise a slave-vessel. As Her Majesty's ship neared the chase, the crew of the latter was observed deserting her: upon which the boats of the "Rover" were sent to take possession of her, and they happily reached her in time to see

her wretched cargo of human beings from the fate which inevitably awaited them, of being dashed on the rocky shore which frowned at but a short distance from them: 207 negroes, who had thus been consigned to a watery grave by their inhuman masters, were found on board this vessel, which is supposed to be the "*S. Joaozinho*," but no papers or flag of any kind were discovered in her.

Her Majesty's ship "*Rover*" entered this harbour, with her two prizes, on the 14th instant, and they only await the meeting of the Mixed Commission Court on Wednesday next, to be adjudicated.

I have, &c.

(Signed)

GEORGE J. R. GORDON.

His Excellency Senhor Antonio P. Maciel Monteiro.

Second Enclosure in No. 186.

(Translation.)

M. Monteiro to Mr. Gordon.

Rio de Janeiro, April 18th, 1838.

THE Undersigned, Minister, Secretary of State for the Department of Foreign Affairs, &c., acknowledges the receipt of the note addressed to him, on the 16th instant, by Mr. Gordon, &c., informing him of the capture the English corvette "*Rover*" made outside this harbour of the schooner "*Flor de Loanda*," with 289 Africans on board, with the probable intent of landing them on some part of this coast; and also requesting that a sufficient military force may be provided, in order that those implicated in that illicit traffic may not escape, whilst being conducted to the Brazilian and British Mixed Commission Court, as, from certain information received thereon, may probably be expected.

The Undersigned having duly considered the just demand of Mr. Gordon, has to inform him, in answer, that the necessary orders have been issued, in order that the Brazilian Commissary Judge of the said Commission may have at its disposition a sufficient military guard, whenever it may be necessary that the individuals in question may be disembarked for examination.

The Undersigned, &c.

(Signed)

ANTONIO P. MACIEL MONTEIRO.

G. J. R. Gordon, Esq.,
&c. &c. &c.

No. 187.

Viscount Palmerston to Mr. Gordon.

SIR,

Foreign Office, July 13th, 1838.

I have received your Despatches, marked Slave Trade, of this year's series, up to that of the 21st of April, 1838.

I regret to find that the Government of Brazil have not taken any steps, towards obtaining the requisite sanction of the Brazilian Legislature for the ratification of the two additional Articles upon Slave Trade, concluded by Mr. Fox with the Brazilian Minister, on the 27th of July, 1835. You will therefore make a fresh and pressing application to the Brazilian Government, to obtain the ratification of these articles.

I am, &c.

(Signed)

PALMERSTON.

G. J. R. Gordon, Esq.
&c. &c. &c.

No. 188.

Mr. Gordon to Viscount Palmerston.—(Received July 19.)

MY LORD,

Rio de Janeiro, May 17th, 1838.

I have the honour to forward herewith, the Slave Trade returns for this harbour and the neighbourhood, for the months of March and April last.

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On this subject I have to state to your Lordship, that rumours have of late been very prevalent, that the Marquis of Barbacena's project of Law for the more effectual suppression of the Slave Trade, will pass the Chamber of Deputies, and receive the sanction of the Government. After the repeated declarations of the Minister of Foreign Affairs to the contrary, both Baron Rouen and myself have considered it expedient to mention to His Excellency these reports, and to inquire as to their truth. Senhor Maciel Monteiro most positively assured each of us, that there was no foundation for them, and that they were merely propagated by the opposition members of the Chamber of Deputies, in order to annoy the Government. His Excellency begged us to believe, that the Imperial Government would not give its support to the measure, and reiterated his own personal disapprobation of it; but he likewise expressed to Baron Rouen his opinion, that it did not, even in spirit, offend against the Convention of 1826 with Great Britain for the abolition of the Slave Trade.

There will, I fear, be a large party in the Chamber of Deputies in favour of the above Law; and this is to be expected, as it is a deplorable but notorious fact, not only that very many members consider this odious traffic as vitally necessary for the existence of Brazil, but that some of them are even personally engaged in it. The opposition to the Law will be headed or (if Ministers really declare themselves against it,) will be seconded by Senhor Antonio Carlos de Andrada, now the eldest surviving brother and chief of that family, supported by his section of the Chamber, which is of great weight and influence this Session, and I am happy to add that Senhor Maria do Amaral, who last year protested against the decision of the Committee of Diplomacy upon it, has again been elected as one of the Members for the Province of Bahia.

The Project of Law will probably come before the Chamber about the end of this month, or the beginning of next, and upon the whole, I fear I must inform your Lordship that the issue of the discussion is very doubtful, and perhaps rather inclines to the side of the Project being passed, and becoming the law of the land, in which case I shall obey implicitly your Lordship's instructions, addressed to Mr. Hamilton in your despatch of the 4th of December, 1837.

I have the honour, &c.

(Signed)

G. J. R. GORDON.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

First Enclosure in 188.

RETURN of Vessels engaged in the Slave Trade, which have entered this Port, under the Portuguese flag, during the month of March, 1838, after landing their cargoes of slaves on this coast.

No. 1. Brig "*Aventureiro*," from Angola, landed 550 slaves at the estate of Guimaraens, in the Ilha Grande.

No. 2. Brig "*Adamaster*," from Quilimane, landed 445 slaves at the Island of St. Sebastião.

No. 3. Barque "*Resolucao*," from Mozambique, landed 700 slaves at Ilha Grandé.

No. 4. Schooner "*Carolina*," from Angola, landed 280 slaves at the Alto Moirao, a few leagues to the eastward of this harbour.

No. 5. Barque "*Constante*," from Angola, landed 597 slaves at the estate of Guimaraens, in the Ilha Grande.

No. 6. Brig "*General Cabreira*," from Angola, landed 337 slaves at Sepetiba.

No. 7. Brig "*Jehovah*," from Angola, landed 433 slaves at Ilha Grande.

Total number of slaves imported by the above seven vessels, 3352.

Rio de Janeiro, 1st April, 1838.

Second Enclosure in No. 188.

RETURN of Vessels engaged in the Slave Trade which have entered this Port, under the Portuguese flag, during the month of April, 1838.

No. 1. Brig "*Marquis de Pombal*," from Angola. This vessel entered as Brazilian, but she has Portuguese papers to serve when occasion requires. She brought a number of passengers, and therefore landed only 97 slaves off this harbour, which were taken in boats to the Island of Piquita.

No. 2. Brigantine "*Cesar*," from Loanda. This vessel was abandoned by her crew close to this harbour, and was captured by Her Majesty's ship "*Rover*." She arrived first at Macahé, where she landed 60 slaves, and had 207 on board when captured.

No. 3. "*Flor de Loanda*," schooner, from Angola. This vessel was captured by Her Majesty's ship "*Rover*," with 289 slaves on board, off the Islands of Marica.

No. 4. Bark "*Sincapore*," from Angola, landed 675 slaves at Ponte Negra, six hours after Her Majesty's ship "*Rover*" left that station.

No. 5. Brig "*Duas Irmãs*," from Angola, landed 328 slaves at Macahé.

Total number of slaves imported by the above five vessels during the month of April, 1838.

Rio de Janeiro, May 1, 1838.

No. 189.

Mr. Gordon to Viscount Palmerston.—(Received July 19.)

MY LORD,

Rio de Janeiro, 21st May, 1838.

In my Despatch, of the 21st ultimo, I had the honour to inform your Lordship of the capture and detention, by Her Majesty's Ship "*Rover*," of two slave vessels, with Africans on board, at a short distance from this harbour.

The British and Brazilian Mixed Commission Court, established here, after the delay of nearly a month, came at last, on the 15th instant, to a final decision respecting the "*Flor de Loanda*," one of the above vessels; and I have now to communicate to your Lordship, that the said tribunal has, by that decision, declared itself incompetent to give judgment on the case: the reasons alleged by them, as justifying this course, your Lordship will find in the annexed letter, addressed to me by the British members of the Court, informing me of their decision.

Immediately on the receipt of this letter, I wrote to the Brazilian Minister of Foreign Affairs the enclosed note, conveying to His Excellency the above information, as also, that the captor, not feeling himself justified in sending the "*Flor de Loanda*" to Sierra Leone, was ready to deliver her up to the Brazilian authorities, to be disposed of by them according to the laws of the country, and requesting that they would take possession of her as early as possible. I likewise take the liberty in this note of suggesting to M. Maciel Monteiro that, in consequence of the strict nature of the Portuguese Decree of December 10th, 1836, abolishing the Slave Trade in all the dominions of that country, the Portuguese Consul-General might consider it his duty to proceed against this vessel, as having infringed the provisions of that decree, if duly informed of the circumstances in which she was now placed, professing, as she did, to be Portuguese property, and sailing under Portuguese colours.

I have not, as yet, received any answer to this note; but should either of the above courses be adopted by the Brazilian or Portuguese authorities here, the main object of injuring the speculators in these criminal transactions would be attained; and, although it is to be regretted that the Mixed Commission Court should not consider itself authorized to pronounce on such cases, wherein the Brazilian character of the undertaking, although not capable of being legally demonstrated, appears incontestible, yet I would humbly submit, the occurrence would, notwithstanding, prove of manifest

service, in seconding the efforts of Her Majesty's Government to put a final stop to the traffic in Slaves, as carried on in this country.

I have the honour, &c.

(Signed)

G. J. R. GORDON.

The Right Hon. Viscount Palmerston, G. C. B.

&c.

&c.

&c.

First Enclosure in No. 189.

Her Majesty's Commissioners to Mr. Gordon.

SIR,

Rio de Janeiro, May 16, 1838.

WE have the honour to transmit to you herewith, an official copy of the sentence, pronounced yesterday in the case of the schooner "*Flor de Loanda*," lately detained by Her Majesty's sloop of war "*Rover*."

We deeply regret the unavoidable nature of this sentence; but, as it results, as you will perceive, Sir, not from any doubt in the mind of the Court, as to the illegal practices in which this vessel had been engaged, but simply from the impossibility of withholding credit to the official acts of the Portuguese Legation in this country, and the consequent incompetency of the Mixed British and Brazilian Commission to deal with the property and subjects of that nation, we cannot but hope that, by the intervention either of the same Portuguese Authorities at this place, or by that of the Imperial Government, measures may be taken by which the ends of justice and humanity may be as fully attained, as if this tribunal had had jurisdiction in the case.

We have the honour, &c.

(Signed)

GEORGE JACKSON.

FREDERICK GRIGG.

George J. R. Gordon, Esq.,

&c.

&c.

&c.

Second Enclosure in No. 189.

M. Gordon to M. Monteiro.

MONSIEUR LE MINISTRE,

Rio de Janeiro, May 17, 1838.

I HAVE the honour to state to your Excellency, that I received last night an official communication from the British and Brazilian Mixed Commission Court, established in this capital, enclosing a certified copy of the decision of that tribunal, that it is not competent for it to take cognizance of the case of the Portuguese schooner "*Flor de Loanda*," detained by Her Majesty's ship "*Rover*," Commander Eden, with 289 Africans on board, and brought before the above Court for adjudication, under the convention between Great Britain and Brazil for the suppression of the Slave Trade.

In communicating to your Excellency this decision of the Mixed Commission Court, I take occasion to inform you, that the senior officer commanding Her Majesty's naval forces on this station, has formally announced to me, that, as the captor does not consider himself justified in sending the "*Flor de Loanda*" to Sierra Leone, for adjudication by the British and Portuguese Mixed Commission established there, and, as such a course would, inevitably, cause great additional suffering and mortality among the wretched beings who are still on board of her, the said senior officer is now prepared to place the schooner in question at the disposal of the Imperial Authorities, in order to be proceeded against according to the laws of Brazil, for having already landed some Africans as slaves in the neighbourhood of this harbour, in violation of the law of November 7th, 1831, and, having been captured by Her Majesty's cruizer as she was about, in all probability, to land the rest of her miserable cargo. As the "*Flor de Loanda*," has been engaged in a speculation, manifestly in direct opposition to the Portuguese Decree of December 10th, 1836, entirely abolishing the Slave Trade, in all the dominions of Her Most Faithful Majesty, and prohibiting her subjects from engaging therein in any manner whatever, I would likewise take the liberty of suggesting to your Excellency

that the Portuguese Consul-General at this court, may, perhaps, now consider it his duty to take cognizance of the case of the said vessel, in conformity with the provisions of the Decree alluded to, enforced as they have been by strict orders to all Portuguese Consular Agents, under severe penalties of dismissal and disgrace. In consideration, therefore, of these circumstances, your Excellency will, probably conceive it expedient to announce to the Portuguese Consulate the above facts, in order that the Consul-General may take the necessary steps to execute the instructions of his Government in this point, and to proceed against the criminal violators of the laws of their country, found on board the vessel in question.

I have ventured to submit to the Government of His Imperial Majesty the above suggestion, conceiving as I do, that it affords it a signal opportunity of proving, by acts, the sincerity of its protestations on this subject, declaring the decided principles of opposition to the odious traffic in human flesh, by which the Government is actuated, and dictated as they are, at once by its firm determination to fulfil a solemn Treaty, and by its anxious regard for the best interests of Brazil. The Imperial Government will, I am well aware, be guided in its decision on this point, by the rules of strict justice and of sound policy, and I trust your Excellency will acquit me of entertaining a wish to prescribe to that Government, the course it ought to pursue respecting it. I have merely considered it my duty thus to express my opinion upon it, and now willingly leave it in the hands of your Excellency.

In conclusion, therefore, and however the Government of His Imperial Majesty, may, in its wisdom, finally determine on this matter, permit me to solicit from your Excellency as early a communication as possible of the time when the Brazilian authorities will take charge of the "*Flor de Loanda*," and the Africans now on board of her, in order that Captain Herbert, being duly informed thereof, may give the necessary orders for that purpose.

I have, &c.

(Signed) GEORGE J. R. GORDON.

M. Marceil Monteiro,
&c. &c. &c.

No. 190.

Viscount Palmerston to Mr. Gordon.

SIR,

Foreign Office, July 30, 1838.

I HAVE received your Despatch, marked Slave Trade, of the 17th. of May, 1838, making mention of rumours, that the law on Slave Trade, proposed by the Marquis of Barbacena, will pass the Chamber of Deputies, and receive the sanction of the Government of Brazil. I have to desire that if, at any time, there shall appear to be a probability, that the law in question will be adopted by the Brazilian Chambers, you will enter a timely protest, on the part of Her Majesty's Government, against the passing of such a law, without waiting till the law shall have actually passed.

I am, &c.

G. J. R. Gordon, Esq.
&c. &c.

(Signed)

PALMERSTON.

No. 191.

Mr. Gordon to Viscount Palmerston.—(Received August 12.)

MY LORD,

Rio de Janeiro, June 15, 1838.

I HAVE the honour to acknowledge the receipt, on the 26th ultimo, by Her Majesty's packet "*Seagull*," of your Lordship's Despatches to Mr. Hamilton Hamilton, dated February 28, and to myself, dated March 26; likewise, on the 14th instant, by Her Majesty's packet "*Hope*, of your Lordship's Despatch of the 19th of April last.

I have, &c.

(Signed)

G. J. R. GORDON.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

Mr. Gordon to Viscount Palmerston.—(Received August 12.)

MY LORD,

Rio de Janeiro, June 15, 1838.

I HAVE the honour to transmit, herewith copy of a letter I received on the 28th ultimo, from the British Members of the Mixed Commission Court established here, informing me that that Tribunal had condemned, as a good prize, the brigantine "*Cæsar*," detained, on the 13th April last, by Her Majesty's ship "*Rover*," with 207 Africans on board.

It appears from the sentence pronounced by the Court in this case, that the Court judged the proofs of the "*Cæsar*," being Brazilian property, to be more distinct than those attaching to the case of the "*Flor de Loanda*," referred to in my Despatch, of this series, dated May 21, and sufficient to authorise her condemnation by it. The sentence likewise declares two individuals, Brazilian citizens, proved to have sailed in the said brigantine, in the capacities of mate and common sailor, to be guilty of piracy, in conformity with the First Article of the Convention of the 23rd of November, 1826. The principle therefore of deeming pirates all subjects of the empire engaged in the Slave Trade is admitted by the Brazilian Commissioner to be established by the above Convention—a fact of the greater importance, as affording an additional ground on which to claim from the Imperial Government the passing of a law, expressly attaching such degree of guilt and consequent punishment, to Brazilian subjects engaged in this inhuman traffic, and which, in pursuance of your Lordship's instructions, contained in your Despatches to Mr. Hamilton and to myself, dated February 28, and March 26 of this year, I demanded from the Brazilian Government, on the 28th ultimo, in an official note, draft of which was, for this purpose, transmitted by your Lordship in the above Despatches.

In connexion with this subject, I have likewise the satisfaction to inform your Lordship, that His Majesty's brig "*Wizard*," Lieutenant James Bower Commander, captured, during last month, and brought into this harbour, the slave schooner "*Brilhante*," with 250 Africans on board. This vessel, which has already made many voyages to the African coast on similar enterprises, and was considered by her owners as a very fast sailer, is now before the Mixed Commission Court for adjudication, and her condemnation, although she sailed under the Portuguese flag, and was captured to the south of the Line, may, I trust, be confidently expected, as soon as the perniciously dilatory forms of Brazilian law, which have been introduced into the said Court, and which have greatly diminished its effectiveness, will permit. I may add, that it is only the refusal of the Brazilian Government to interfere in any way with the slave vessels, brought into this port for adjudication by Her Majesty's cruisers, which prevents Lieutenant Bower from again proceeding to sea, and endeavouring to capture another of these vessels, since he is forced to remain here to guard his first prize, until the Mixed Commission Court decide upon her case.

The effect produced here among the traffickers in human flesh by the recent capture of three slavers, close to this harbour, has been most beneficial to the cause of humanity. In consequence, I have an unusually scanty Slave Trade report to transmit to your Lordship for the past month; and no vessels have, during that period, sailed hence for the coast of Africa. But those vessels which would otherwise have arrived, and disembarked their wretched cargoes in this neighbourhood, have been warned off, and have effected their purpose on other points of the coast, whilst their refitment and freight for their return voyages to Africa have been sent to meet them, so as to obviate the necessity of their coming here at all. The premium for insurance, which still continues to be effected on slaving speculations, has risen considerably; and several capitalists have withdrawn from such enterprises the funds they had embarked therein, a series of facts I would humbly submit, tending most strongly to justify the opinion I took the liberty of advancing in my Despatch, of this series, dated January 19, that a small number of fast-sailing vessels of war, employed in cruising off different points of the Brazilian coast, would materially interrupt, if not put an entire stop to, the African Slave Trade, as carried on now with this empire. But should vigorous measures not be continued and followed up, things will soon relapse into their former state, so inveterate are

the prejudices of the inhabitants of Brazil in favour of slavery, and the traffic which supports it, and so great are the gains which that traffic ensures to those engaged in it. And it may be remarked, that it was only after the publication of the sentence in the case of the "*Flor de Loanda*," by which the British and Brazilian Mixed Commission Court declined to take cognizance of the case, that the Slave Traders recovered from the panic, into which the above captures had thrown them, and began again to fit out their vessels. On the 2nd, 4th, 5th, and 6th of this month, six vessels have sailed for the coast of Africa for cargoes of slaves.

I have, &c.
(Signed)

G. J. R. GORDON.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

First Enclosure in No. 192.

Her Majesty's Commissioners to Mr. Gordon.

SIR,

Rio de Janeiro, May 28th, 1838.

WE have the honour to enclose to you herewith an office copy of the sentence, which the Brazilian and British Commissary Judges pronounced, on the 26th inst., in the case of the patacho "*Cæsar*," detained, on the 13th of April last, by Her Majesty's sloop "*Rover*," Charles Eden, Esq., Commander. You will observe, Sir, by this sentence, that not only is the "*Cæsar*" adjudged to be Brazilian property, and, as such, condemned as a good and lawful prize, but that two individuals, Brazilian citizens, are further declared to have incurred the penalty imposed by the first article of the Slave Trade Convention of the 23rd November, 1826.

We have the honour, &c.
(Signed) GEORGE JACKSON.
FREDERICK GRIGG.

P. S. We take this opportunity of informing you that the Proctor has this day, on behalf of Commander Eden, embargoed the sentence of the Court in the case of the "*Flor de Loanda*."

Second Enclosure in No. 192.

Return of Vessels engaged in the Slave Trade, which have entered this port, under the Portuguese flag, during the month of May, 1838.

No. 1. Brig-schooner "*Paqueta de Loanda*," from Rio Zaire; landed 314 slaves at the estate of Dois Rios, near Ilha Grande.

No. 2. Schooner "*Brilhante*," from Angola. This vessel was captured by Her Majesty's brig "*Wizard*," having 250 slaves on board.

Rio de Janeiro, June 1, 1838.

No. 193.

Mr. Gordon to Viscount Palmerston.—(Received August 12th.)

MY LORD,

Rio de Janeiro, June 15th, 1838.

IN my Despatch dated May 26th, I had the honour of reporting to your Lordship, that the British and Brazilian Mixed Commission Court here had pronounced itself incompetent to take cognizance of the case of the "*Flor de Loanda*" slave schooner, captured, under Portuguese colours, by Her Majesty's ship "*Rover*," and I enclosed in that Despatch a note I had, at the request of the captor, addressed to the Minister of Foreign Affairs, on the 17th ultimo, placing that vessel at the disposal of the Brazilian Government.

I was induced to follow this course, as I conceived that an opportunity was now presented for the Imperial Government to prove, by acts, the sincerity of its pro-

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essions. For, admitting that the imperfection of the Brazilian laws, and the general feeling of the country on the subject, prevent the Government from effectually repressing the contraband trade in African slaves, here was, assuredly, a case in which that law might act, wherein that Government might show itself firm. Here was a vessel with negroes actually on board of her, anchored in the very harbour of the capital, having been taken, as she was about to land those miserable beings on the coast of Brazil, if, indeed, she had not already landed some of them. Surely no bribery, no quibble of law could succeed in absolving a vessel so flagrantly criminal, and surely it was the duty of the Government to insist, that condign punishment should be awarded to her guilty owners and crew. And not only this, but it would be eager to seize an opportunity, enabling it so easily to demonstrate its professed desire of cordial co-operation with the Government of Her Britannic Majesty in the suppression of the Slave Trade. Actuated, therefore, by these considerations, and scarcely doubting as to its favourable result, I wrote the above note; but ten days elapsed without my receiving any reply thereto, when, on the 31st ult., I received from Captain Herbert, the senior officer in command of Her Majesty's naval forces here, a second letter, urging a speedy decision of this subject, for most just and obvious reasons. I immediately forwarded to the Imperial Government this letter in the enclosed note, and next morning I received from Senhor Maciel Monteiro the reply I have now the honour of transmitting to your Lordship, in which, I regret to have to state, his Excellency refuses, on the part of his Government, any interference whatever in the case of the "*Flor de Loanda*," founding this decision chiefly on the fact that the vessel, being detained by a British man-of-war, can only be adjudicated, according to Treaty, by a Mixed Commission Court; and adding that it would be a want of consistency in the Government, should it admit into the country Africans, whether free or in a state of slavery, when it likewise supports the principle of exporting those already here—a decision the more unexpected by me as I had, previously to writing my note of the 17th ultimo, been led by the Minister of Foreign Affairs, in a conversation I had with him on the subject, to hope that it would have been to an opposite purport.

The "*Flor de Loanda*," therefore, remains under the guardianship of the British ships of war in this harbour, and the course to be pursued respecting her, is still to be determined on: two or three present themselves for adoption, namely,

First, To give the vessel up to the Portuguese Consul-General, as sailing under Portuguese colours, and therefore, as having directly infringed the decree of December 10, 1836, by which the Slave Trade is abolished in all the dominions of Her Most Faithful Majesty. I have spoken on the subject with the Portuguese Chargé d'Affaires, and Consul-General here, and he appeared to suppose that he could not avoid acting as that Decree prescribes, and must therefore send the vessel to Lisbon, there to be tried; but he likewise told me, that he did not know whence to derive the funds necessary for such purpose, and that he had not, as yet, received any definitive reply to a question he had addressed to his Government to that effect: he added, however, that, should the "*Flor de Loanda*" be placed at his disposal, he must obtain legal opinions as to his conduct, but, that he imagined they would agree with his own.

Secondly, To send the vessel to Sierra Leone, for adjudication before the British and Portuguese Mixed Commission there; or, lastly, to abandon her to her crew, informing the Brazilian Government of the same, and to see whether it would persist in its fickle policy on this subject, so far as to permit her to leave this harbour, with the certainty of the Africans being landed soon after in the neighbourhood, or, whether such a determination would not shame it into proceeding against her judicially.

I should myself be inclined to this last course, as being calculated to force the Imperial Government to act, and either to establish a precedent by which all similar cases might be regulated hereafter, or so plainly, to unmask the real feelings of that Government, that no doubt could be entertained respecting them, so that Her Majesty's Government might be better enabled to decide on its future line of policy, as regards the Slave Trade in Brazil.

In the mean time, however, the Proctor for the Captor in the case has embargoed the decision of the Court, and, consequently, all further steps must be suspended, till the result of such embargo be known. For the sake of humanity, I trust this result will soon be disclosed, as the long period of confinement of the wretched negroes in so small a space, and the cold weather at this time of year, are the causes of great mortality among them; and the necessity of some suffi-

cient place where human beings thus wretchedly situated may in future be placed, until decision be given in their sad case, becomes daily more apparent.

I have, &c.

(Signed)

G. J. R. GORDON.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

First Enclosure in No. 193.

Mr. Gordon to M. Monteiro.

MONSIEUR LE MINISTRE,

Rio de Janeiro, June 1, 1838.

I HAVE the honour to state to your Excellency, that I received a letter last night from Captain Herbert, senior officer in Command of Her Majesty's Naval Forces anchored here, soliciting a reply to the communication he addressed to me on the 14th ult., requesting me to place the slave schooner, "*Flor de Loanda*," at the disposal of the Imperial Government, since the British and Brazilian Mixed Commission Court of this capital had declared itself incompetent to take cognizance of the case.

Permit me, Monsieur le Ministre, here to remind your Excellency that, on the 17th ultimo, and directly after receiving Captain Herbert's first letter, I addressed your Excellency on this subject, and at the same time solicited, for obvious reasons, as speedy a reply as was consistent with adopting a mature decision on the above important point. Upwards of a fortnight, however, having now elapsed, and not having, up to this hour, received any answer to my note above referred to, I almost fear that your Excellency may, in the multiplicity of important business which occupies your time, have overlooked the necessity which, in this case, so evidently exists for taking as prompt measures as prudence will sanction. I now, therefore, take the liberty of enclosing herewith Captain Herbert's letter to me, of yesterday's date, in order that your Excellency may perceive how the affair is viewed by him, and because I conceive it to contain reasoning which, if it were necessary, would not fail influencing the acknowledged humanity and good feeling of the Imperial Government to communicate to Her Majesty's Legation, without any further delay, its final decision on a point so important to the cause of humanity.

I have, &c.

(Signed)

GEORGE J. R. GORDON.

Senhor Maciel Monteiro,
&c. &c. &c.

Sub-Enclosure in No. 193.

Captain Herbert to Mr. Gordon.

Her Majesty's ship "Calliope,"

Rio de Janeiro, May 31, 1838.

SIR,

HAVING had the honour to address you on the 14th instant, with the object of placing before the Imperial Government the difficult position in which the captors of the slaver "*Flor de Loanda*" were placed by the declaration of the Mixed Commission, as to its incompetence to pass sentence on the case, although convinced of the criminality of the parties concerned, and having taken this step, with the hope of your being able to obtain from the Government of Brazil, under the peculiar circumstances of such a capture, a decision whether this palpable instance of slave trading did not come within the cognizance of the law of Brazil, where the importation of slaves is prohibited, and reflecting that so long a period had been allowed to elapse without any reply, I feel myself compelled again to address you on the subject.

The forms and proceedings of the Mixed Commission consumed so much time, before the above decision was made known, and whatever resources might after then have been open to the captors in that tribunal, or what chances of success might have attended them, were matters respecting which I felt so

doubtful, that a sense of duty urged me to address you on the 14th instant, considering that, by obtaining a decision from the Brazilian Government, the way would be cleared for the consideration of other steps, and delay so far curtailed.

With the most earnest desire not to be thought unreasonably impatient to obtain, on so important a point, the decision of the Imperial Government, I have, in this second application, to call your attention to the fact, that by delay the following evils are grievously augmented.

The wretched negroes, crowded in the vessel, are suffering from sickness, the natural effects of an unjust confinement, and they require constant medical attention, and will also need warm covering in the approaching season. The loss of life amongst these wretched beings unfortunately continuing, humanity and justice equally urge some decisive steps.

On the other hand, the guarding of the prize inflicts very arduous and constant duties on the officers and men, employed on a service producing to both sufferings which have long since been faithfully enumerated by the late Commander-in-Chief, Sir Graham E. Hamond ; and which services, moreover, have lately doomed the officers obliged to perform them to the most undeserved and odious calumnies.

Under such an accumulation of unlooked-for sufferings in the case of capturing a vessel, undeniably engaged in the Slave Trade with Brazil, all parties must feel anxious to devise some means of terminating a state of things which have no other result than inflicting an inhuman punishment on innocent beings. Under these circumstances, I trust that you will agree with me in the expedience of urging the Imperial Government to decide, whether or not, the evident object of the "*Flor de Loanda's*" approach of the Brazilian coast is an infraction of the Brazilian laws, abolishing the Slave Trade, and, consequently, bring the parties and the vessel under the operation of such laws ; a result I looked for from the averred humane and philanthropic views entertained by the Government of Brazil, with regard to the abolition of the Slave Trade, and its consequent horrors.

G. J. R. Gordon, Esq., }
&c. &c. &c.

(Signed)

I have, &c.,
J. HERBERT, Captain.

Second Enclosure in No. 193.

(Translation.)

M. Monteiro to Mr. Gordon.

THE undersigned Minister, Secretary of State for the department of Foreign Affairs, acknowledges receipt of the note which, on the 1st of the present month, Mr. Gordon, Her Britannic Majesty's Chargé d'Affaires, addressed to him, in which, referring to a letter from Captain Herbert, now commanding Her Majesty's naval forces in this port, as also to the note forwarded to the undersigned on the 17th of May, he solicits an answer to the proposition, made by the above communications, of placing the schooner "*Flor de Loanda*," at the disposal of the Imperial Government, in consequence of the Brazilian and English Mixed Commission having declared itself incompetent to take cognizance of the affair.

The undersigned having laid the affair before the Regent *ad interim*, in the name of the Emperor, after hearing the report of the Crown lawyers thereupon, has been ordered to signify, in answer, to Mr. Gordon, that the Imperial Government declines any interference in an affair of so doubtful and non-administrative a nature, without the competent tribunals having preferred any sentence whatever, and no case having been proved of the disembarkation, in the ports of the empire, of any of the Africans forming the cargo of the schooner "*Flor de Loanda*," that vessel cannot be put at the disposition of the competent authorities of this city, for the purpose of instituting a judicial process, and awarding to the culprits the punishment of the law of November 1831.

It being very evident, that the decision pronounced by the Brazilian and British Mixed Commission Court can never be considered as a sentence, since it simply declares thereby its incompetence and want of judicial power to adjudge

the vessel, detained with Africans on board, on account of her being Portuguese, basing such decision on the incontestible ground, that the dispositions of the convention of the 23rd of November 1826, only constitute their right of jurisdiction over subjects of the Brazilian and British nation.

And, as the Legislature of the Empire sanctions the principle of exportation of free blacks, it would be a violation of the law, if those on board the "*Flor de Loanda*" were admitted into the country, it being besides observable, that as no process, regular, or of any sort whatever, exists on the case, it could not be known who were the legitimate proprietors of the vessel and her cargo, nor ought the Imperial Government to expose itself to pay future indemnifications which might be reclaimed.

The undersigned having replied explicitly to the matter contained in the above-mentioned notes of Mr. Gordon, has the honour, &c.

(Signed) ANTO. PREGO. MACIEL MONTEIRO.

Rio de Janeiro, June 2, 1838.

The British Chargé d'Affaires.

&c. &c. &c.

No. 194.

Mr. Gordon to Viscount Palmerston.—(Received August 12.)

MY LORD,

Rio de Janeiro, 15th June, 1838.

SENHOR JOAO BAPTISTA MOREIRA, the Portuguese Chargé d'Affaires and Consul General here, has been good enough to communicate to me the enclosed circular of the Marquis of Aracaty, Governor of the Portuguese colony of Mozambique, respecting the Decree of the 10th of December, 1836, abolishing the Slave Trade in all the dominions of Her Most Faithful Majesty.

In this circular his Excellency makes known his determination not to carry that Decree into execution, on the pretended ground of its being calculated to ruin the colony.

Senhor Moreira has likewise informed me that Senhor Manoel Bernardo Vidal, Governor-General of Angola, on the reception of the above Decree, summoned the authorities and principal persons to assemble in council, where it was resolved that it should not be immediately executed, in consequence of the injury it must cause to the inhabitants of the province, and to its commerce, and that representations should be made to the Government of Her Most Faithful Majesty to this effect, praying for the concession of a period of four years, before the Decree should be carried into effect, in order that, during this time, measures should be taken providing for the necessities of the colony, which, deprived of the revenues afforded by the traffic in slaves, could not cover its expenses. The decision of the Portuguese Government on this resolution of the governor and authorities of Angola is not yet known.

I have considered it right to transmit this information to your Lordship, in case it should not yet have reached Her Majesty's Government, and because these acts of the Governors of Mozambique and Angola, from each of which great numbers of wretched Africans are annually exported, entirely nullify, as far as these provinces are concerned, all the good effects to be expected from the operation of the Decree of December 10, 1836.

I have, &c.

(Signed)

G. J. R. GORDON.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 194.

(Translation.)

Circular.

The Marquis of Aracaty, Governor, in Council, &c.

BE it known to those to whom these presents may come, that having attentively studied and weighed the foundation of the arguments, serving as base to the representations which were addressed to me by the inhabitants of this city, through the mediation of the Municipal Chamber, as also by the

Receiver-General of the public Revenues, I am convinced; by the minute examination which I bestowed on all the circumstances related in those representations, that I could not refuse to admit the application therein made to me, without voluntarily causing such great evils, that it would be utterly impossible for me to remedy them; and reflecting, besides, that if on the one hand I am responsible for the execution of the orders of Her Majesty, on the other hand I am so for the security of all the dominions of the Crown situated on this east side of Africa. That my conscience will accuse me every time I put in jeopardy this safety and security, even if for my justification I had the excuse of obedience. That the weight of responsibility in such cases would not remain with the Government, who issued general orders with the just idea of of their being executed in the different places they were sent to, with the modifications which circumstances might require at those places, but solely and entirely with those authorities who, indiscreetly shutting their eyes to these circumstances, executed orders, which the same Government would not wish to be executed, were it informed of all the circumstances relating thereto. That knowing as perfectly as I do the purity and sublimity of the just intentions of the parental and angelic heart of Her Majesty, and of those illustrious individuals composing her Government, it would be a crime in me were I to admit the idea, that it was the will of the said Government that, disregarding these representations, I should occasion, through indiscreet zeal, the ruin of the province in fulfilling orders, which undoubtedly would produce this sad effect, on the one hand ruining those subjects of Her Majesty, who had employed all their capital in the sole commerce of exportation, which this province in present circumstances offers; and on the other hand reducing all those who obtain their livelihood in the service of the state, throughout its vast extent, to perish with hunger, from the absolute want of funds in the coffers of the public revenues. That even setting aside the attention which ought to be paid to private interests, which would be so injured by this measure, it is sufficient that it appears very certain, that Her Majesty never would sanction that I, having before me the representation of the Receiver-General of the Royal Revenues, and still more the enormous deficit in the said revenues, which force me to limit with exactitude the certain expenses of the Government, should still further increase the calamities of our situation, and that I, who have just brought with me more than 200 persons to this province, who have to depend on those revenues, and will consume the greater part of them, by the immunities which Her Majesty concedes to more than half of them, should blindly cut of all means of subsistence, by suppressing the *only branch* of the public income, which could furnish me with the necessary means to meet so great an augmentation of expense. That I should be doubly responsible for so absurd a proceeding, because the revenue derived from the exportation of slaves has been more or less considerable, according to the caprice of my predecessors, a revenue which is now for the first time suppressed, were I now to disregard those above-mentioned representations. Therefore I declare that I yield to the force of powerful arguments, based on the scrupulous examination of those which were submitted to me in the above representations. Impelled and overcome by the imperious law of necessity, superior to all other laws, I receive the said representations, in order to bring them very respectfully to the knowledge of Her Most Faithful Majesty; and until Her Majesty shall have decided on this delicate subject I *suspend*, in all this province, the execution of the Decree of December, 10, 1836.

However, in order that there remain no doubts of my taking this course, with my hand on my heart, being moved only by considerations of the public welfare, and the better service of the Queen, which have at all times been, and will continue as long as life shall last to be, the principal object of my earnest pursuit, I declare at the same time,

First, that I only give permission for the embarkation of slaves at this city, and their exportation from hence, to those who shall pay for each one a duty of 7 pezos and a-half, or 18 milreis, without any other charge or expense, to be liquidated at the custom house, or at any other department.

Secondly, that this license thus granted shall be immediately taken from such person as, having obtained it by binding himself to this payment, shall be discovered, on examination or by information, to be transporting a greater number of slaves than he had declared to have bought, and for whom he had

paid the said duties; and I order all the officers whose duty it shall be to exact these charges, in any one of the departments of the public revenue, to observe the greatest vigilance, in order to hinder, on their own responsibility, the evasion of this regulation.

Given in the city of Mozambique on the 11th of November, 1837.

(Signed) MARQUIS OF ARACATY,
Governor, in Council.

No. 195.

Mr. Ouseley to Viscount Palmerston.—(Received September 7.)

(Extract.)

Rio de Janeiro, July 10th, 1838.

HER Majesty's Commissioners under the Slave Trade Convention officially notified to me on the 30th ultimo, the condemnation of the Slave vessel "*Brilhante*." Since then some embargoes have been offered to the execution of that sentence, which, in conformity with your Lordship's instructions, have been refused by Her Majesty's Commissioners.

The refusal of the British Commissioners to admit these embargoes, and the positive determination of the Brazilian Commissioners to act in conformity with the usages hitherto observed, has been this day officially communicated to me. But, foreseeing from previous conversations with Sir George Jackson, that a difficulty was likely to arise on the subject, I took occasion to mention it to M. Monteiro, and am glad to find that Minister of opinion, that the admission of embargoes is not indispensable in the Mixed Commission Court.

His Excellency further informed me, that he had taken a legal opinion on the subject, which did not bear out the opposition, which the Brazilian Commissioners had thought fit to make to passing at once to the execution of the sentence.

M. Monteiro promised to write to me immediately on this point.

No. 196.

Mr. Ouseley to Viscount Palmerston.—(Received September 7.)

MY LORD,

Rio de Janeiro, July 10th, 1838.

I APPLIED to M. de Monteiro (as instructed in your Lordship's despatch of the 28th of April) soon after my arrival, for the use of a hulk, to be put at the disposal of Her Majesty's squadron here, for the reception of Africans found on board vessels captured by British cruisers, and brought into this port.

His Excellency, I am glad to say, acceded verbally, with great readiness to my request, and said that he did not anticipate the least difficulty in obtaining from the Department of Marine the use of a hulk as required. Although I have mentioned the subject more than once to M. Monteiro, since my official application was received, I have not, as yet, obtained a written answer to my note, for which I am anxious, as there are at this moment three slave vessels in the custody of Her Majesty's squadron, and there is much sickness and suffering among the Africans on board them, which the use of a hulk will, I trust, greatly alleviate.

I have, &c.

(Signed)

W. G. OUSELEY.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

No. 197.

Mr. Ouseley to Viscount Palmerston.—(Received September 14.)

MY LORD,

Rio de Janeiro, July 14th, 1838.

I HAVE the honour of transmitting to your Lordship a return of vessels engaged in the Slave Trade, which have entered this port, under Portuguese

colours, during the month of June, 1838, after having landed their cargoes of Slaves on this coast.

I have, &c.

(Signed)

W. G. OUSELEY.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 197.

Return of Vessels engaged in the Slave Trade, which have entered this Port, under Portuguese Colours, during the Month of June, 1838, after having landed their Cargoes of Slaves on this Coast.

No. 1. Ship "*Cintra*," from Mozambique. This vessel sailed some months ago for Mozambique from this port: she there took in a cargo of 970 slaves; 214 of these died on the passage from small-pox, the remaining 756 were landed, in a very sickly state, at San Sebastiao. She then proceeded to the Cape de Verd Islands, and has now returned with a cargo of salt, to fit out for another voyage.

No. 2. Schooner "*Andorinha*," from Benguela, landed 297 slaves at Itapoa, close to this harbour, for account of Duarte Jozé de Mello, a Brazilian subject.

No. 3. Pataxo "*Principe Augusto*," from Angola. This vessel sailed some months ago for Angola, where she took in a cargo of slaves, and landed 304 at Ponta Negra. From thence she proceeded to Montevideo, and has now returned with a cargo of produce.

No. 4. Brig schooner "*Felix*," from Ilha da Principe; discharged 321 slaves off this harbour into canoes, which landed at Botafogo Bay.

No. 5. Pataxo "*Oito de Dezembro*," from Benguela; landed 342 slaves at the Ilha Grande, in a very sickly state.

No. 6. Brig schooner "*Felicidade*," from Angola; landed 322 slaves at the Island of San Sebastiao.

No. 7. Pataxo "*Especulador*," from Benguela; landed 309 slaves at the estate of Dois Rios, in the Ilha Grande.

No. 8. Brig schooner "*Esperanca*," from Cabinda; landed 400 slaves, in a very sickly state, at the Ilha Grande. There were a great many deaths among the slaves during the voyage, in consequence of being too much crowded.

No. 9. Pataxo "*Jove*," from Quilimane; landed 432 slaves, in a sickly state, at Campos. The vessel had 63 days' passage.

No. 10. Brig "*Relampago*," from Rio Zaire; discharged 380 slaves off the entrance of this harbour into canoes, which landed them, part at the depository near to Fort Sao João, and part at that of Jurujuba.

There are now 5000 newly-imported slaves on sale at the different depositories in the city and its environs.

Since the captures of slavers in the month of April last, by Her Majesty's ships "*Rover*" and "*Wizard*," the premium of insurance has risen from 10 per cent. to 13 per cent.

Total number of slaves imported by 10 vessels, as above, 3863.

Rio de Janeiro, July 1st, 1838.

No. 198.

Mr. Ouseley to Viscount Palmerston.—(Received September 24th.)

MY LORD,

Rio de Janeiro, 26th July, 1838.

I HAVE the honour to inform your Lordship, that Mr. Gordon considered it expedient to address a note to the Brazilian Minister of Foreign Affairs, on the 26th of March last, for the purpose of calling the attention of the Imperial Government to a series of facts which, as they had been reported to him, appeared to demonstrate so plainly the connivance of certain public authorities in this capital, and elsewhere, with the importers of captured Africans, that Mr. Gordon deemed himself called upon, both from regard to the honour of the Brazilian Government, as

well as from a desire to require redress for every such flagrant violation of the Slave Trade Conventions between the two countries, to state to Senhor Monteiro the circumstances of the case, as he had received them from very good authority, and to demand an explanation of the very suspicious facts in question, and that steps should be instantly taken by the Imperial Government, signally to punish those public officers who had acted in so criminal a manner.

I learn from Mr. Gordon that he had likewise another object in view in writing the above note. It appears that for some time past Senhor Moreira had been in the habit of receiving all communications from Her Majesty's Legation, on the present subject, without seeming to pay the slightest attention to them; and never conceived it necessary to make any reply, even to the extent of acknowledging their receipt, but considered himself authorised in supposing, that such representations were made by Her Majesty's Legation as a mere matter of form, and were never intended to obtain an answer, nor in fact to restrain, in the slightest degree, the abominable traffic against which they were ostensibly directed. Mr. Gordon, therefore, on receiving the information respecting the case of the brig "*Tejo*," upon which he founded the enclosed note, conceived that an opportunity then presented itself for convincing Senhor Monteiro, that Her Majesty's Legation here was most earnest in all its communications with the Imperial Government, connected with the traffic in Africans, since the circumstances of the case in question appeared to implicate public officers, of a higher rank than those who usually figured in transactions of this nature, and more urgent and forcible language was therefore warrantable, in demanding of the Government satisfaction for the violation of the solemn compact between Great Britain and Brazil, which those circumstances involved.

Notwithstanding this, however, and more than one application, both verbal and in writing, made to Senhor Monteiro by Mr. Gordon, since the said note was addressed to him, in order that a reply to it, whatever its purport, might be furnished him, it was not till the 19th instant that I received from His Excellency a note, in which the circumstances of the case are stated as they occurred, and differing very slightly from the manner in which they had been reported by Mr. Gordon. The Inspector of the Custom-house, who, it appears, took to himself all the *onus* of the charge, made in general terms, in the note of Mr. Gordon, and without designating any one in particular as the guilty person, is entirely exculpated by Senhor Monteiro from any proceedings, such as those which formed the groundwork of Mr. Gordon's complaint against the public authorities of this capital.

Although it would not be, perhaps, very difficult to frame a rejoinder to this note of Senhor Monteiro, and to show that the guilty parties in this transaction had not been punished as they deserved, notwithstanding the tone assumed at the conclusion of the note, yet, in consideration of the length of time which has elapsed since the facts commented on occurred, and the tardy, but, I trust, sincere endeavours manifested by Senhor Monteiro to clear up what appeared suspicious in those facts, I trust your Lordship will agree with me in thinking, that it could answer no serviceable end to prolong a discussion in a case of this nature.

I shall, however, take an opportunity verbally of calling M. Monteiro's attention, to the weak points of the defence attempted in the case of the "*Tejo*."

In justice to the zeal and activity shown by Mr. Gordon, on this and on many other questions connected with the Slave Trade, as carried on or connived at in this country, I may perhaps be allowed to remark, that a failure in every endeavour to bring really to justice those concerned in the Slave Trade in Brazil, is, in the present temper and feeling of the population of this country, almost inevitable; nor is it, perhaps, in the power of the Brazilian Government effectually to carry into execution the laws of the Empire on this subject; still less can Her Majesty's mission hope to succeed in causing the conviction and punishment of offenders, who, certain of obtaining general sympathy, if not complicity, find every facility and assistance in evading the legitimate consequences of their crimes.

I have, &c.

(Signed)

W. G. OUSELEY.

P.S.—I have the honour to enclose herewith a copy of Mr. Gordon's note, together with one of Senhor Monteiro's reply.

W. G. O.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

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First Enclosure in No. 198.

Mr. Gordon to Senhor Monteiro.

THE Undersigned, &c. has the honour to communicate to his Excellency Senhor Monteiro, &c., reports of the slave importation, during the months of January and February last.

The Undersigned will avail himself likewise of the present opportunity to lay before his Excellency the facts of another case, in which it would appear that the judicial and custom-house authorities at this port, and at that of Macahé, have practised the most manifest connivance with the inhuman prosecutors of the traffic in African slaves, not only by opposing no obstacle to their landing on the coast of Brazil, the miserable beings imported by these violators of the public engagements of their country with Great Britain, as well as of its own internal laws, but also, by affording such criminal every facility, in evading the existing regulations, for obtaining at the custom-house the clearance of vessels which arrive from the coast of Africa.

On referring to the Slave Trade Returns for the month of August of last year, forwarded to Senhor Monteiro, in Mr. Hamilton's note, dated October 21, his Excellency will perceive the name of the brig "*Tejo*," with the remark annexed thereto, that she had landed 419 slaves at Campos, and then proceeded to Macahé, where she had changed her Portuguese for Brazilian colours, and had finally entered this port with a cargo of produce, under the name of "*Triunfo do Mar*."

The vessel on her arrival here was detained by the Visiting Officer of the Customs, under the plea that, although a document was presented to prove her being a Brazilian vessel, and, as such, entitled to carry a cargo coastways, yet, that that document ought to be considered fictitious, because she had sailed some months before from this port for the coast of Africa, being then called the "*Tejo*," and under the Portuguese flag, and, that there was no evidence of a *bonâ fide* sale having been subsequently effected to her new reputed Brazilian owner, nor was the document presented to prove her nationality, in conformity with those carried by Brazilian vessels, it being an unauthorised Act of a Juiz de Paz at Macahé, and not a regular pass granted by the Secretary of State for the Marine Department; that the Portuguese character, therefore, borne by the vessel on quitting the port for the coast of Africa, not being changed, she ought to be considered as a Portuguese vessel, and, as such, to be dealt with as having infringed the laws of Brazil, for regulating the coasting trade, or as a vessel navigating with false or two sets of colours.

The proceedings consequent on this view of the vessel's nationality were conducted before the Inspector of the Custom-House, and notwithstanding that the truth of the facts above stated was fully proved, she was restored to her owners. Now, the only conclusion which can be drawn from this judgment in favour of the Owners of the vessel in question is, that the facts alleged by the Visiting Officer as his plea for detaining her, were not considered sufficient to establish a cause against her; that, consequently, she was accounted Brazilian property; that her papers were regular; and that the new name, viz., "*Triunfo do Mar*," under which she entered this port, was that under which she was in future to be navigated.

The undersigned might here with justice demand of his Excellency the reason why this vessel, declared by the Custom-house authorities to be Brazilian property, should, on her nationality thus becoming apparent, have been unconditionally restored to her owners, when it was known she had just returned from the coast of Africa with a cargo of slaves, which she had landed in Brazil? Does not the law award heavy penalties for such an infraction of its provisions? And yet the "*Triunfo do Mar*" is restored to her owners, without even the form being gone through of investigating the truth of the fact reported to the Government of His Imperial Majesty, by Mr. Hamilton, in his note of the 21st October, 1837, that that same vessel had been very lately guilty of such infraction.

The undersigned, however, refrains at present from prosecuting this point

farther, in order to proceed at once to what appears to him to be a still more glaring case of active interference, on the part of the Brazilian authorities, for protecting the interests, and advancing the speculations of the traffickers in African slaves,

On the restoration of the "*Triunfo do Mar*" to her owners, she was prepared for another voyage to the coast of Africa, and, having laden a cargo, application was made, on the 28th of February last, for her clearance as a *Portuguese vessel, under her old name of "Tejo,"* without any new transfer of her property being made, so as to divest her of her Brazilian character. Under these circumstance, the officer charged with the clearance of vessels outwards refused to clear, as a Portuguese, the vessel in question; and only did so upon receiving an order from the Finance Department, in consequence of which she was cleared, on this 1st of this month, as the Portuguese brig "*Tejo*" for the Coast of Africa.

The undersigned, judging that his duty to Her Majesty's Government requires it, flatters himself that the Minister of Foreign Affairs, on becoming acquainted with the above facts, will not deem him to be wanting in due consideration for that of His Imperial Majesty, should he conclude this communication by requesting Senhor M. Monteiro will honour him with an explanation of the motives and reasons, which induced the Brazilian authorities to act as they have done in the case now under review, and more especially, why it should be permitted that a vessel, having sailed from this port under Portuguese colours, should, on her return voyage, be permitted to enter it by a different name as a Brazilian vessel; and, although no transfer of property, even ostensibly, takes place, why this same vessel should be suffered to be again cleared outwards for the coast of Africa, as a Portuguese vessel, and under her original name?

The undersigned has already unfortunately had occasion to report to his Excellency similar cases of apparent countenance and assistance, given by Brazilian authorities to Slave Trade speculations, and many others, almost daily, occur, which either do not come to the knowledge of the undersigned, or do not appear sufficiently well-authenticated to bring them before his Excellency; but the undersigned cannot forbear here expressing his apprehension that the representations of this nature made to his Excellency by Her Majesty's Legation are considered by the Brazilian Government as objects of too little importance to be replied to, even with a view to their denial or extenuation; and the undersigned must take the liberty of putting it to his Excellency, whether the mere professions of the Imperial Government on this subject can be relied on by him, or by Her Majesty's Government, when the constant acts of the subordinates of the former, left thus unexplained, tend so directly to nullify the weight of such professions. The undersigned trusts, therefore, that he shall stand excused in the eyes of Senhor Monteiro, for now venturing to urge on his Excellency's serious attention the necessity there exists, for the credit of the Brazilian Government itself, to afford to the undersigned, for the information of Her Majesty's Government, the explanation now demanded. The present case evidently implicates persons higher in the scale of official rank, than those against whom are generally made charges of this import, and it is surely, therefore, so much the more obligatory on the Brazilian Government, either fully and entirely to exculpate, or signally to punish, them.

The undersigned avails himself, &c.

Rio de Janeiro, March 26, 1838.

To Senhor A. P. M. Monteiro,
&c. &c. &c.

(Signed)

G. J. R. GORDON.

Second Enclosure in No. 198.

(Translation.)

Senhor Monteiro to Mr. Ouseley.

The undersigned Minister, &c., has the honour to acknowledge the receipt of the note, which Mr. Gordon, predecessor of Mr. W. G. Ouseley, &c., addressed to him on the 26th March last, in which, after stating that

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various vessels arriving from the coast of Africa, had disembarked Africans on the coast of the Empire, he (Mr. Gordon) particularly points out the brigantine "*Tejo*," which, having been engaged in the unlawful traffic in slaves, under the Portuguese flag, effected the disembarkation of the blacks at Maché, whence she arrived here, laden with produce of the country, when, notwithstanding her bearing the Brazilian flag, and assuming the name of "*Triunfo do Mar*," she was, without any fresh change of ownership, considered as Portuguese, and was cleared by the authorities of the Custom-house of this capital in that quality.

In order to reply with full knowledge of the matter to the note referred to, the Undersigned required the necessary explanations, which he has now received, and thus he is enabled to declare to Mr. Ouseley, that the said brig "*Tejo*" was not detained by the Custom-house, as Mr. Gordon asserted, but by the police, according to the forms practised with other vessels in like circumstances, being delivered up to the justice of the peace, who ordered the brig to be liberated, from not having found proof against her.

Being after this visited by the *Guarda Mor d'Alfandega* (Captain of the port), doubts arose respecting her nationality, and the Inspector of the Custom-house, considering that it was not in the power of the justice of the peace of Macalé to nationalise the said brig, her owners were condemned, as Mr. Ouseley will see from the enclosed copy of the sentence, to pay the fine which the Custom-house regulation orders—they not being allowed to clear the vessel, without having paid the said fine, or shown that they had matriculated the brig at the competent department. The payment being made, the brig "*Tejo*" was considered as Portuguese, as indeed she really was, and the Master having demanded her clearance, this could not be refused by the Consulate, for any place it might be required for, and was in fact granted for the coast of Africa, under condition of the cargo which she brought here being deposited at the usual wharf, the which was only delivered to the consignees after the payment of 15 per cent. consumption duty, and 1½ *expediente*, as if it had been foreign merchandise.

In consideration of what has now been stated, the Undersigned is firmly persuaded that Mr. Ouseley will not only perceive that the information received by Mr. Gordon was inexact, but also that the censures were very unjust, which were directed against a public officer, like the inspector of the Custom-house, who, besides deserving all the confidence of the Imperial Government for his intelligence and honour, fulfilled his duty with respect to the brig "*Tejo*," and is incapable of protecting in any manner, the abominable traffic in Africans.

The Undersigned avails, &c. &c.,

Rio de Janeiro, 19th July, 1838.

To W. G. Ouseley, Esq.,
&c. &c. &c.

(Signed)

A. P. M. MONTEIRO.

No. 199.

Mr. Ouseley to Viscount Palmerston.—(Received September 24.)

MY LORD,

Rio de Janeiro, July 26, 1838.

WITH reference to my Despatch of the 10th instant, wherein I mention that in obedience to the instructions contained in your Lordship's Despatch of the 28th of April last, I had applied to the Brazilian Minister for a hulk, to be used for the reception of Africans from on board the vessels captured by Her Majesty's cruisers, I have the honour to inform your Lordship that I made a second application to M. Monteiro in a note, (a copy of which is enclosed) on the subject, and regret to find that, the Minister of Marine having caused an examination to be made of such vessels or hulks, as are at the disposal of the Government in this port, none was found of either sufficient size, or in such repair as to be fit for the required service.

This circumstance having been communicated to me officially by M. Monteiro, I immediately informed Commodore Sullivan of the inability of the Brazilian Government to fulfil the intentions, expressed to me by the Minister of Foreign Affairs, and recommended that a merchant, or other vessel, adapted to the purpose should be procured for the present use of the squadron, and that an application should be

made to the Admiralty for a hulk of sufficient size, amply to accommodate the sick and others, when necessary, from on board captured slave vessels.

I have the honour to enclose a copy of my note to Commodore Sullivan.

I think it my duty earnestly to request your Lordship (if there are not objections to the proposed plan, of which I am not aware,) to cause a representation to be made to the Admiralty, of the great advantage that would result to the service, from sending out a capacious vessel, to be used as a receiving hulk in this harbour.

The positive and serious inconveniences, that arise from the crowded and unhealthy condition of slave vessels generally, the unpleasant collisions with the Brazilian Authorities, and the continued and often successful attempts at seizing and kidnapping the recaptured Africans, would, by the use of a hulk stationed here, be, if not entirely avoided, much less likely to occur than at present.

In former instructions from your Lordship to Her Majesty's Commissioners, the hire or purchase of a vessel to be used for the reception of captured Africans is suggested. I therefore consulted verbally Sir George Jackson on the subject; but finding that in any hire or purchase of this nature made by the Mixed Commission, the Brazilian Government would claim, as might be expected, a right to a joint controul and custody of the hulk or vessel procured, I did not urge carrying the proposed plan into effect, from the conviction that much inconvenience, and possibly very troublesome differences and misunderstandings, would arise out of the practical employment of British and Brazilian officers, or others, to take charge conjointly of the Africans who might be placed on board a vessel procured by the Mixed Commission. Nor is it probable, that the safe custody of the Africans and prisoners would acquire additional security, by the presence of a Brazilian guard.

Whether Her Majesty's Government direct that a hulk be finally hired or purchased here, (where it will, however, be very difficult to procure one adapted for the purpose required, as a large man-of-war hulk is, I am told, the best sort of vessel to employ,) or think fit to send one from England, I take the liberty to recommend, that such vessel may be placed completely under the orders of the commander-in-chief of Her Majesty's naval forces on this station, for the purposes that may be pointed out to him, or at least, that its disposal should be quite independent of the Brazilian authorities.

I have, &c.
(Signed)

W. G. OUSELEY.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

First Enclosure in No. 199.

Mr. Ouseley to M. Monteiro.

SIR,

Rio de Janeiro, July 17, 1838.

I HAVE the honour to remind your Excellency of the request, made in my note of the 3rd instant, for the use of a hulk, to be put at the disposal of Her Majesty's naval commander-in-chief in this port, for the reception of Africans found on board vessels captured by Her Majesty's cruisers.

From the readiness which your Excellency showed to meet the wishes of Her Majesty's Government on this point, and the conviction which you expressed, in conformity with the assurance at a former period of M. Limpo de Abreu, that no objection existed on the part of the Imperial Government to afford this assistance to Her Majesty's squadron, I am led to suppose that the delay which has taken place in furnishing the hulk, or in answering my note on the subject, has been accidental.

Having, within a few days, been applied to frequently, both officially and privately, by the commodore, commander-in-chief of Her Majesty's naval forces on this station, to endeavour to procure the assistance of the Imperial Government, in alleviating the sufferings of the Africans on board the vessels "*Flor de Loanda*" and "*Brilhante*," now in his custody, I am under the necessity of again addressing your Excellency on this subject. I do not now transmit copies of Commodore Sullivan's representations, as it will doubtless only be necessary for me to state generally, that many deaths are daily occurring among the negroes, and that much sickness prevails among them and the crews of the captured vessels, which is of

course increased by every day of further delay in procuring the means of giving them a greater space to occupy, and an opportunity of thoroughly cleaning the captured vessels.

I earnestly request from your Excellency as early a reply to this application as your convenience will allow ; and avail myself of the opportunity to renew, &c.

(Signed) W. G. OUSELEY.

His Excellency Senhor Antonio Peregrino Maciel Monteiro,
&c. &c. &c.

Second Enclosure in No. 199.

Mr. Ouseley to Commodore Sullivan.

SIR,

Rio de Janeiro, July 23, 1838.

WITH reference to your letters of the 7th, 15th, and 16th of this month, as well as to other and verbal communications from you, on the subject of the diseased, crowded, and filthy state of the Africans on board the captured vessels under your charge ; and as respects your request, that I would apply to the Brazilian Government to obtain some assistance, in order to enable those vessels to be cleaned and repaired, I have the honour to inform you, that I have just received an official note from the Brazilian Minister for Foreign Affairs, in answer to previous applications from me, in which he expresses his regret that the Minister of Marine has not been able to find, among the vessels at the disposal of the Imperial Government, a hulk of either sufficient size, or in such a state of repair, as to be fit for the reception of the negroes from on board the captured vessels.

As, however, one of the vessels, the "*Cesar*," is already given up to the Brazilian authorities, and the sick Africans and others have been received, in consequence of my representations to Senhor Monteiro, in the hospitals on shore, so as to enable the repairs and cleansing of the "*Flor de Loanda*" to be carried on with comparative facility, I trust that little inconvenience will at present result from the inability of the Imperial Government to furnish the hulk that was promised by Senhor Monteiro.

But as the necessity still exists of providing a means of safe custody, as well as of affording a healthy and roomy receptacle, for the Africans found on board such vessels as Her Majesty's cruisers may in future capture and bring into this port, I strongly recommend that a merchant or other vessel, suitable for the purpose, may be hired or bought for the present use of Her Majesty's squadron ; and that in the mean time a representation be made to be Admiralty of the great advantage that would result from sending out a capacious hulk, in sufficiently good repair, for the reception of the Africans, to remain under the orders of the Commander-in-Chief of Her Majesty's naval forces on this station.

I have, &c.

(Signed)

W. G. OUSELEY.

Commodore Sullivan, C.B.

&c. &c. &c.

No. 200.

Mr. Ouseley to Viscount Palmerston.—(Received September 24.)

(Extract.)

Rio de Janeiro, July 26, 1838.

THE Mixed Commission at this capital, having decided in the month of June last, that they were not authorised to take cognizance of the case of the slaver under Portuguese colours, the "*Flor de Loanda*," taken by Her Majesty's ship "*Rover*," Captain Herbert, then commanding officer on this station, addressed a note (a copy of which I have the honour to enclose) to Mr. Gordon, requesting him to apply to the Portuguese Consul-General, to take charge of the said vessel, and to send her to Portugal, in conformity with the decree of the 10th of December, 1836.

Mr. Gordon consequently wrote to M. Moreira, Her Most Faithful Majesty's Consul-General and Chargé d'Affaires, requesting him to take charge of the vessel, and stating the grounds upon which he urged him officially to act in the case of the "*Flor de Loanda*," as directed by the decree of December.

M. Moreira replied that he could not, in the absence of positive instructions on the particular case, act without further consideration, and referring to legal opinions on the subject.

Subsequently I received from M. Moreira a note, in which he finally refuses to take charge of the "*Flor de Loanda*," alleging that the decree of the 10th of December, 1836, provides only for the case of slaves taken by Portuguese men-of-war.

In acknowledging the receipt of M. Moreira's note, I took occasion to advert to the non-execution of the decree above alluded to. But I have not prolonged the correspondence on the subject of the "*Flor de Loanda*," which vessel is placed in the hands of the commander-in-chief of Her Majesty's naval forces on this station, and will, I am informed, be sent to Sierra Leone for adjudication.

I enclose copies of the correspondence that has taken place on the "*Flor de Loanda*."

First Enclosure in No. 200.

Captain Herbert to Mr. Gordon.

H. M. S. "*Calliope*,"
Rio de Janeiro, June 21, 1838.

SIR,

THE Mixed Commission for adjudicating the cases of vessels taken in the illicit traffic for slaves, having confirmed their first decision in the cause of the "*Flor de Loanda*," captured by Her Majesty's ship "*Rover*," from her having been taken under Portuguese colours, which circumstance appears to neutralise the powers vested in the Judges of the Mixed Commission in Brazil;

I have, as the senior naval officer of Her Majesty's ships and vessels, to acquaint you with such decision, and, as this case has been long pending, to request you will be pleased to call upon the Consul-General of Her Majesty the Queen of Portugal to take charge of the said vessel, and all appertaining to her, and send her to Portugal, there to be tried in compliance with the provisions of the decree of the 10th December, 1836, for having been engaged in the illicit traffic in slaves, in violation of the decree; pressing upon him that, as the captors are absent from this country, they, on the faith of treaties, look for his support and efficient assistance in this case.

I have, &c.

(Signed)

J. HERBERT,
Captain.

G. J. R. Gordon, Esq.,
&c. &c. &c.

Second Enclosure in No. 200.

Mr. Gordon to Senhor Moreira.

SIR,

Rio de Janeiro, June 24, 1838.

I HAVE the honour to inform you that I have received from Captain Herbert, senior officer in command of Her Majesty's vessels of war here, a letter, in which he begs me to place at your disposal, as Consul-General of Her Most Faithful Majesty, the Portuguese schooner "*Flor de Loanda*," detained by Her Majesty's ship "*Rover*," for being engaged in the illicit traffic in slaves; of which the British and Brazilian Mixed Commission Court established here has pronounced itself incompetent to take cognizance, but which Captain Herbert considers to have infringed, in a most flagrant manner, the decree of December 10, 1836, by which the Slave Trade was finally abolished in all the dominions of Her Most Faithful Majesty.

Since I cannot avoid concurring in the opinion thus expressed by Captain Herbert, and as I consequently conceive that you, Sir, will willingly take

advantage of the present opportunity, to carry into effect the philanthropic sentiments of your Government, and to demonstrate the spirit of cordial co-operation with that of Her Majesty by which it is animated, relatively to the horrid traffic in human flesh; I venture to hope that your opinion on this point will coincide with my own, and that you will at once take the necessary steps for proceeding against the vessel in question, as prescribed by the above decree; a determination which will also tend to advance the mutual views of our respective Governments, by preventing the criminal owners of that vessel and her wretched cargo, from again obtaining possession of her, and deriving from her the advantages they in such case would do.

Actuated by these motives, I hasten to communicate to you a copy of Captain Herbert's letter to me, referred to above, relying with confidence on your sense of justice and humanity for coming to such a decision as will be consistent with both; and while I take the liberty of soliciting, for obvious reasons, as speedy an answer as possible, I would likewise request that you will, should that answer be favourable to the present application, indicate the time when the Portuguese Consular Authorities will be ready to take under their charge the "*Flor de Loanda*" and the degraded beings who constitute her cargo.

I have, &c.

(Signed)

G. J. R. GORDON.

*Senhor Joao Baptista Moreira, Chargé d'Affaires
and Consul-General of Her Most Faithful
Majesty, &c. &c. &c.*

Third Enclosure in No. 200.

(Translation.)

Senhor Moreira to Mr. Gordon.

THE Undersigned, &c., has the honour to acknowledge the receipt of the note dated yesterday, which Mr. Gordon, Her Britannic Majesty's Chargé d'Affaires, addressed to him, together with the copy of a letter from Captain Herbert, commanding Her Britannic Majesty's naval forces in this port, expressing a wish, in which Mr. Gordon concurs, of placing at the disposition of the Portuguese Consul-General the Portuguese schooner "*Flor de Loanda*," taken with Africans on board near this port by Her Britannic Majesty's corvette "*Rover*," of which case the Mixed Commission Court established here judged itself incompetent to take cognizance, but which Mr. Gordon and Captain Herbert consider as comprehended in the disposition of the Portuguese decree of December 10, 1836, and hence subject to the punishments awarded to those who infringe that law.

The Undersigned, perceiving in this resolution of Captain Herbert, supported by Mr. Gordon, the fulfilment of the philanthropic views of the British Government so entirely conformable with the principles of humanity and the like feelings of philanthropy, which induced the Government of Her Most Faithful Majesty to promulgate the above-mentioned decree of December 10, has, however, to communicate to Mr. Gordon, that, as the case in question is not provided for in the said law, and in the absence of positive instructions respecting this or similar cases, he intends instantly to consult the best lawyers of this capital upon it; and in the mean while he has to assure Mr. Gordon that he will, on his part, use his utmost endeavours to further the literal fulfilment of the said decree, promulgated for the praiseworthy end of abolishing the inhuman traffic in slaves, abhorred by all civilised nations. The result shall be made known to Mr. Gordon by the Undersigned with all possible despatch; and he avails himself, &c.

(Signed)

JOAO BAPTISTA MOREIRA.

Portuguese Legation in Rio de Janeiro, June 25, 1838.

*G. J. R. Gordon, Esq.,
&c. &c. &c.*

Fourth Enclosure in No. 200.

(Translation.)

Senhor Moreira to Mr. Ouseley.

THE Undersigned, &c., has the honour to address himself to Mr. W. G. Ouseley, &c., in order to reply definitively and categorically to the note, which was addressed to him on the 24th of June last by Mr. G. J. R. Gordon, in fulfilment of the promise which the undersigned made to the latter gentleman, in his note of acknowledgment dated the 25th of that month.

Mr. Gordon declares in his note just referred to, the desire which was officially communicated by Captain Herbert, then senior officer in command of Her Britannic Majesty's naval forces in this harbour, that the Portuguese schooner "*Flor de Loanda*," captured with Africans on board of her in the waters of this empire by Her Britannic Majesty's ship "*Rover*," should be placed at the disposal of the Portuguese Consul-General, as falling under the terms of the Portuguese decree of December 10, 1836, the Brazilian and British Mixed Commission Court, established in this capital, to the adjudication whereof the case of that vessel was submitted, having declared itself incompetent to take cognizance of it.

The Undersigned has therefore to signify to Mr. Ouseley, that the law of the 10th December, 1836, although not providing for the present case, is, however, positive as respects some of the circumstances thereof, since, by the Ninth Article of the said law, it is ordered as an express clause, that "vessels found acting in contravention of this law by Portuguese vessels of war shall be subject to be detained by them." In no Article of the law are foreign ships of war authorised to make such prizes on similar grounds. The Portuguese schooner "*Flor de oanda*" was captured by Her Britannic Majesty's ship "*Rover*;" consequently it belongs to no Portuguese authority, and therefore not to Her Most Faithful Majesty's Consul in this capital, to take charge of the said schooner "*Flor de Loanda*," whose case is not comprehended in the letter of the decree.

Besides, it does not appear that since the promulgation of the decree of the 10th December, 1836, or before that period, any Treaty has been concluded with Great Britain, which could authorise the ships of the latter power to detain any Portuguese vessels with cargoes of Africans, when proceeding from any port on the coast of Africa south of the Equator. The disposition in the Treaties of January 22, 1815, and of July 28, 1817, only permits detention of such vessels as are met with to the north of the Line, or in case of the chase having commenced in those latitudes. The Portuguese schooner "*Flor de Loanda*" was met with and captured not only to the south of the Equator, but even in the waters of this empire; consequently, if the Commander of Her Britannic Majesty's ship "*Rover*" judged himself, under these circumstances, authorised to detain this Portuguese vessel, it belongs to him alone to bear all the charges, or to enjoy all the benefit, which may result from such act.

This exposition of the opinion of the Undersigned respecting the case in question, which also agrees with that of the most skilful lawyers here, whom the Undersigned consulted on the subject, and whose concordant opinion he will bring to the knowledge of his Government by the first opportunity, besides many other obvious reasons, constitutes the formal reply which the Undersigned must give to the claim advanced, in the fulfilment of his duty, by Mr. Gordon Her Britannic Majesty's Chargé d'Affaires, in his note of the 24th ultimo; and the Undersigned, therefore, in this manner, declines to direct the Portuguese Consulate to take charge of the Portuguese schooner "*Flor de Loanda*," on the ground that he is not instructed by any Article of the law of the 10th December, 1836, to follow this course.

The Undersigned, &c.

(Signed)

JOÃO BAPTISTA MOREIRA.

Rio de Janeiro, 3rd July, 1838.

W. G. Ouseley, Esq.,
&c. &c. &c.

Fifth Enclosure in No. 200.

Mr. Ouseley to Senhor Moreira.

THE Undersigned, &c., has the honour to acknowledge the receipt of the note which Senhor J. B. Moreira, Consul-General and Chargé d'Affaires of Her Most Faithful Majesty addressed to him, dated the 3rd instant, (in reply to Mr. Gordon's note of the 24th ultimo,) in which he refuses to take charge of the slave vessel "*Flor de Loanda*," lately captured by Her Majesty's ship the "*Rover*."

The Undersigned cannot but regret to find, that the Portuguese flag is still notoriously allowed to be used for the illegal importation of negroes, in great numbers, into this empire, in direct contradiction of the known intentions of the Government of Her Most Faithful Majesty.

If the "*Flor de Loanda*" is really a Portuguese vessel, and if her owners and crew are to be considered as subjects of Her Most Faithful Majesty, they are taken in the open commission of a crime which is a direct violation of the laws of Portugal. The Government of the Queen, and that of Her Most Faithful Majesty, having determined effectually to put an end to the traffic in slaves, whether to the north or south of the Equator, and in all the dominions of Portugal, and the best understanding existing between them mutually to co-operate for that purpose, it might be supposed that Senhor Moreira would have felt himself authorised to take cognizance of an act, which it cannot be the intention of the Government of Her Most Faithful Majesty to sanction directly or indirectly, by suffering the flag of Portugal to be thus disgraced with impunity.

Whether taken by a Portuguese or a foreign man-of-war, here is a vessel which Senhor Moreira acknowledges as the Portuguese schooner "*Flor de Loanda*," captured with Africans on board; taken, therefore, in an act flagrantly violating the laws of Portugal as well as those of Brazil; thus forfeiting all countenance or support from the Government of Her Most Faithful Majesty or its agents, and incurring, as might be supposed, the risk of criminal prosecution and punishment by the authorities of Portugal.

The Undersigned does not doubt but that Senhor Moreira has reasons for taking a different view of the case, and it only remains for him, as Her Majesty's Chargé d'Affaires, to assure the Consul-General and Chargé d'Affaires of Portugal. &c.

Pharoux's Hotel, Rio de Janeiro, July 12, 1838.

Senhor J. B. Moreira,
&c. &c. &c.

(Signed) W. G. OUSELEY.

No. 201.

Mr. Ouseley to Viscount Palmerston.—(Received September 24th.)

MY LORD,

Rio de Janeiro, August 1, 1838.

I HAVE the honour to acknowledge the receipt, on the 31st ultimo, by Her Majesty's packet "*Lyra*," of your Lordship's Despatches of the 30th of April and the 24th May, to myself, and of the 31st May and 6th June, addressed to Mr. Gordon, with their respective enclosures.

I have, &c.

(Signed) W. G. OUSELEY.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 202.

Mr. Ouseley to Viscount Palmerston.—(Received September 24th.)

(Extract.)

Dated August 10, 1838.

THE number of vessels fitted out in this port for the coast of Africa continues to increase, and many are constantly entering the harbour of Rio

after having succeeded in landing negroes at the different small ports on the coast. The space between Campos and Santos, and the neighbourhood of Cape Frio being the parts of the coast to which the slavers principally resort.

No. 203.

Viscount Palmerston to Mr. Ouseley.

SIR,

Foreign Office, October 15, 1838.

I HAVE received your Despatch marked Slave Trade, of the 26th of July last, enclosing a correspondence, which had passed between Her Majesty's Legation and the Brazilian Minister for Foreign Affairs, relative to the apparent connivance of the Brazilian authorities, with persons engaged in Slave Trade, and as to the inattention of the Imperial Government to the repeated representations of Her Majesty's Legation on this subject.

For the reasons stated in your Despatch, I approve of your not having prolonged the discussion as to the cases, brought to the notice of the Brazilian Government by Mr. Gordon; but I am of opinion, that the observations with which M. Monteiro concludes his note, should not be allowed to pass without comment.

I have therefore to instruct you to address a note to the Brazilian Minister, stating, that notwithstanding the observations of M. Monteiro, Her Majesty's Government is of opinion, that Mr. Gordon was fully justified in founding a representation upon the circumstances reported to him; and that Her Majesty's Government considers itself entitled to receive from the Government of Brazil a cordial and effective co-operation, in execution of the Treaty of 23rd November, 1826.

W. G. Ouseley, Esq.
&c. &c. &c.

(Signed) I am, &c.
 PALMERSTON.

No. 204.

Mr. Ouseley to Viscount Palmerston.—(Received October 23.)

MY LORD,

Rio de Janeiro, August 15, 1838.

I HAVE the honour to transmit to your Lordship a return of Portuguese vessels, which have entered this harbour, after landing their cargoes of slaves in the neighbourhood, during the month of July.

(Signed) I have, &c.
 W. G. OUSELEY.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

P.S.—This return by no means embraces the whole number of slave vessels, that have probably succeeded in landing their cargoes in the province of Rio de Janeiro; but those only which have been ascertained to have landed in the immediate neighbourhood of this capital.

W. G. O.

Enclosure in No. 204.

Return of Vessels engaged in the Slave Trade, which have entered this Port under the Portuguese Flag, during the month of July, 1838, after having landed their Cargoes of Slaves on this Coast.

No. 1. Brig "*Relampago*," from Angola, discharged into canoes off this harbour, 380 slaves, which were landed partly at the depository at the Fort of St. Joao, and partly at that at the Bay of Jurujuba.

No. 2. Schooner "*Angerona*," from Angola, landed 334 slaves at Copacabana; they were afterwards taken to the depository of Colonel Vasquez at the Fort St. Joao.

No. 3. Brig "*Brilhante*," from Quillimane, embarked 621 slaves, of these,
 3 E 2

214 died on the voyage, and the remaining 407 were landed at Macahé in a very sickly state.

No. 4. "*Patacho Providencia*," from Mozambique, landed 422 slaves at the estate of Dois Rios, at Ilha Grande, belonging to Senhor Guimaraes. This vessel was cleared out at Mozambique for this port direct, and had papers to show that 7½ dollars of export duties were paid for each slave.

No. 5. Barque "*Commodore*," from Quillimane, embarked 665 slaves; of these, 300 died during the voyage of ophthalmia and small-pox, and the remaining 385 were landed at Taipu, close to the entrance of this port, and taken to the depository of Joao Machado Cardoso, at the Bay of Jurujuba. Of the number of slaves reported to have died, 80 were thrown overboard while yet alive.

Total number of slaves imported by five vessels as above, 1928.

Rio de Janeiro, 1st August, 1838.

No. 205.

Mr. Ouseley to Viscount Palmerston.—(Received October 23.)

(Extract.)

Rio de Janeiro, August 15, 1838.

ON the 7th of July last M. Moreira addressed a note to me, enclosing a Petition, purporting to be from certain prisoners on board the "*Flor de Loanda*" slaver, (detained by Her Majesty's ship "*Rover*,") complaining of the treatment that they had met with from the officers in whose charge they were.

The terms made use of in this Petition, and applied to the Commander-in-Chief of Her Majesty's naval forces on this station, and other British officers, were extremely strong, and personally abusive. Senhor Moreira thought proper not only to affirm to the truth of the allegations contained in this Petition, which was addressed to him as representative of the Government of Portugal, to ask his intervention, but to adopt language, in relation to the British officers, that appeared to me very unjustifiable.

I immediately communicated the Petition made by the prisoners to Commodore Sullivan, and requested an examination into the proceedings complained of; and finding from the facts elicited by that officer's examination, that the complaints were utterly groundless, and that, in the mean time, the Petition had been published in the leading journal of this place, together with allusions to the note of the Portuguese Consul-General and Chargé d'Affaires to myself, I forwarded to the Commander a copy of Senhor Moreira's note, and subsequently sent to Senhor Moreira an answer to his note to me, embodying the reply of the Commodore to the charges made by the prisoners, and remarking upon the scope and tendency of Senhor Moreira's proceedings in the affair of the "*Flor de Loanda*," in terms which that person's conduct seemed to me to justify.

Publications under the head of "Correspondence," have frequently appeared in the Journals lately, intended to excite and prejudice the public mind generally, against the efforts of the British Government to put down the Slave Trade, and particularly to calumniate, and render odious the naval officers and others, who, in the performance of their duty, endeavour to carry into effect the intentions and orders of Her Majesty's Government to suppress the traffic in slaves.

Since the receipt by Senhor Moreira of my note, no offensive publications against British officers appeared in the Journals, and in the only note (relating to the Petition of a prisoner on board the "*Flor de Loanda*," of which, I do not trouble your Lordship with a copy) that I have received from Senhor Moreira, there is no unbecoming language used either in the note or its enclosure.

Copies of the notes and correspondence, which, form the subject of this Despatch, are inclosed.

First Enclosure in No. 205.

(Translation.)

Senhor Moreira to Mr. Ouseley.

THE Undersigned, &c. has the honour to address to Mr. Ouseley, &c., in order to communicate to him the enclosed representation, sent by the Portuguese subjects, Manoel Antonio Teixeira Barbosa, Master and proprietor of the Portuguese schooner "*Flor de Loanda*," detained by Her Britannic Majesty's corvette "*Rover*," the passenger Maia, the pilot, and four seamen of the said schooner, claiming the interference of the Undersigned, and the protection that it is his duty to afford to subjects of the nation which he has the honour to represent at this Court; in order that an end may be put to the scandalous, barbarous, and illegal treatment they have experienced from the British naval officers charged with the custody of this vessel, by order of the British naval Commander-in-Chief at this port.

The Undersigned having attentively examined the cause of complaint on the part of said claimants, and convinced by the investigation he has caused to take place, of the truth of the facts alleged, hopes that Mr. Ouseley, affording equal attention to the excesses which this document asserts to have been committed by the said British naval officers on unprotected Portuguese subjects, unconvicted of any crime, will proceed in a manner suitable to the dignity of the nation which he represents.

The Undersigned will refrain, on this occasion, from entering into minute details, inasmuch as the representation is exceedingly prolix, of the illegal, despotic, and inhuman acts to which the said Portuguese subjects have been subjected, acts so scandalous and unheard-of, that they not only violate the rights of nations, but also every principle of humanity.

The Undersigned is willing to believe that such proceedings, hostile to all the bonds of friendship and peace existing between nations so closely allied as England and Portugal, result rather from misconception of their duty, on the part of those who have carried them into execution, than from the deliberate intentions of those in command; and besides being unmindful of these reciprocal duties, they cannot reasonably be exculpated for having lost sight of the fact, that they have not legally a right to inflict punishment on the subjects of a friendly nation within this port; a fact which of itself gravely wounds the dignity of the Brazilian nation.

The Undersigned thinks he has said sufficient on this subject to induce Mr. Ouseley, perceiving the necessity of at once putting a stop to such scandalous and arbitrary proceedings against the subjects of a friendly nation, to interfere with all the urgency the case requires, with the commander of the British naval forces in this port, in order that he should relax the severity of the orders given respecting the treatment of the said petitioners, providing them with the food necessary for their support, full liberty to converse with their friends, and above all, to allow the landing of the passenger Maia, as was the case with the other passengers in the same vessel.

The Undersigned avails, &c.

(Signed) JOAO BAPTISTA MOREIRA.

Portuguese Legation, Rio de Janeiro, 7th July, 1838.

W. G. Ouseley Esq.

&c. &c. &c.

Second Enclosure in No. 205.

(Translation.)

Petition.

MOST illustrious and excellent Consul-General, and Chargé d'Affaires of Her Most Faithful Majesty;

Your petitioners, Manoel Antonio Teixeira Barbosa, Master and proprietor of the schooner "*Flor de Loanda*," detained by the corvette "*Rover*," Maia a passenger, the pilot, and four seamen of the said schooner, represent to you that they are suffering the most tyrannical and unheard-of oppresson, by order of the Commander of the English frigate "*Stag*," which entered this port on the 30th ultimo, and who, having at present under his custody the said schooner, prevents your petitioners having any communication with any

one, gives them only half rations, and denies them, thus, nearly famishing, and without any alleviation of their misery, even the visits of their friends; not hesitating thus to trample under foot all the laws of humanity, to disregard the ties of friendship and harmony strictly guaranteed by the law of nations, and finally, to fail in the considerations of respect due to the dignity of allied nations, by exercising, within this port, the infamous and atrocious despotism on Portuguese subjects, who have a right to expect of your Excellency and of the Government of His Majesty, the Emperor of Brazil, every protection against the barbarous oppressors of their honour, life, and liberty. Ever since the above-mentioned schooner was captured, your petitioners have been the victims of scandalous exertion of superior force, and of the arrogant ferocity of the Commanders of certain vessels of war of Her Britannic Majesty; thus the above Master and passenger were put in irons, and the rest of the crew chained, by order of the Commander of the corvette "Rover," whose atrocious proceedings towards them were animadverted upon by the Mixed Commission: thus, likewise by order of the Commander of the brig "Wizard," were all your petitioners barbarously chained and thrown into the hold on the night of the 22nd ultimo; which atrocities would have been repeated on the succeeding nights, had not your Excellency put a stop, as you did, to its continuance, by obtaining that your petitioners should be released from their fetters.

These praiseworthy efforts, this prompt intervention, were, however, all in vain; since, in despite of the interference of your Excellency, the violence has not ceased, and your petitioners are at present, as has been already said, prevented from communicating with any one, by the determination of the said Commander of the frigate "Stag," suffering under the annoyance of a horrible despotism, deprived of every necessary, sinking under the oppression of these torments, and scarcely able to support a life which is gradually failing in the midst of disease, of opprobrium, and misery; finally, your petitioner, Maia, a youth of twenty years of age, and of a feeble constitution, attacked with scurvy, and struggling against the influence of intermittent fever, (when he ought long ago to have disembarked with the other passengers,) offers a striking, but sad proof of this truth, and manifests the horror of the picture drawn above, which is so much the blacker and more odious, as there has as yet been no definitive sentence pronounced on the capture of the schooner.

Oh! Most Excellent Sir! when will the term of the great vexations, and acts of violence which oppress your petitioners, arrive? How long shall these arrogant despots, these petty tyrants, these senseless and ferocious executioners, how long shall these English officers, consider themselves authorised to practise within this port every sort of violence and barbarity against subjects of another nation? It is time, most excellent Sir, to contend with energy for the rights of your petitioners, overturned with such haughtiness and coolness; it is time at once to put a stop to similar attempts, which offend against nature, revolt humanity, and violate the sanctity of treaties. Your petitioners are excusable for this exposition of their sufferings, and of their just indignation, which they dedicate to their cruel oppressors; and they cannot longer suppress the desire and grief which torments them, and therefore confiding in the protection of your Excellency as Her Most Faithful Majesty's Chargé d'Affaires, residing in this Court,—confiding likewise in the solicitude with which His Imperial Majesty's Government is filled for supporting the national honour and dignity, and for protecting the individual security of oppressed foreigners: certain that the Chargé d'Affaires of Her Britannic Majesty will in no case approve of, and still less defend, the unworthy and barbarous proceedings of the commander of the frigate "Stag," and intimately convinced, that such proceeding will never receive the assent of Her Britannic Majesty's Government, who appreciate so highly the amity of the nations, their friends and allies, and that it will not meet with the approval of any sensible Englishman resident in Brazil; and finally, oppressed by grief, your petitioners come before your Excellency to implore all the aid and intervention possible in this affair, and bring to the ears of your Excellency their ardent supplications, their dolorous groans, and the cries of their sharp and bitter grief, in order that the rights guaranteed by treaties should be observed, and the laws of humanity respected, and your petitioners finally relieved from the oppression of such un-heard of and revolting atrocity, suitable only to the

ages of barbarism, only authorised by laws of iron, by the decrees of a despot, but never compatible with, or justifiable by the principles of sound philosophy, consecrated in the codes of civilised nations, and always held in veneration by free, humane, and civilised people. Your petitioners, most excellent Sir, judge it unnecessary to delay longer exposing the just motives for their complaint and expostulation, submitting the great fears they entertain of sinking under the influence of groans, opprobrium, and misfortune, if so great violence does not immediately cease; and, without blackening further the picture of their sufferings and martyrdom, they conclude the present reclamation by reminding your Excellency, that they have death before their eyes, and that, since the capture of the schooner "*Flor de Loanda*," this capital has witnessed the height which the audacity and arrogant despotism and haughtiness of those English officers, to whose custody, and vigilance the said schooner has been committed, can attain. Therefore your petitioners request that your Excellency will deign to notice their supplication, employing all your efforts and energy as Chargé d'Affaires of Her Most Faithful Majesty, in order to secure Portuguese subjects from tyranny and oppression, whom no definite judgment has, as yet, declared criminal, and in order that your petitioner, Maia, may be permitted to disembark immediately, as the other passengers have done long ago; your said petitioner, Maia, ill and annoyed as he is, will certainly die unless he receive the necessary assistance.

In fine, your petitioners expect of your Excellency every diligence and protection, interfering in this affair through the Government of His Imperial Majesty, should it prove necessary so to do.

And your Petitioners will ever pray, &c.

As Procurator for the Petitioners,

(Signed) BERNARDO AUGUSTO NASCENTE D'AZAMBUJA.

Third Enclosure in No. 205.

Commodore Sullivan to Mr. Ouseley.

SIR,

H.M.S. "*Stag*," Rio de Janeiro, 22nd July, 1838.

I HAVE the honour to acknowledge the receipt of the translation of a note to you from the Portuguese Chargé d'Affaires, accompanied with a translation of a petition, said to be from the crew of the "*Flor de Loanda*" slave-vessel, but unequivocally from the Proctor, accusing me of infamous, barbarous, inhuman, and atrocious acts of despotism towards the crew of that vessel.

The whole statement being a scurrilous, foul, and false calumny, a libel on the humanity that uniformly characterizes British officers; and claiming a share in this general estimation, I hurl back the aspersions in the most unqualified manner upon those who have had the hardihood to assert them.

They originated in the vindictive feelings of disappointment in the aiders and sordid abettors of the abominable traffic in human beings; such malignity could only have been engendered by fiendish spirits, steeled against the impulses of every moral sense, and long accustomed to glut on the blood of their fellow-men.

The note of the Portuguese Chargé d'Affaires is dated the 7th of July, when the crews of the slave-vessels had been only three days on board this ship. On my first hearing of such a petition I sent for the whole of them, and questioned them before my officers to know what they had to complain of.

They all declared they had no complaint to make, nor had made any, expressed their surprise that their treatment had been made a subject of complaint, and utterly denied all knowledge of the petition in question; and so far from their friends not being permitted to see them, some actually came on board with clean linen and fruit at the moment I was speaking to them, and this had been allowed from the time they first came on board; they were victualled according to the regulations of the service as British supernumeraries, and subjected to no restriction, except that of not being permitted to have spirits brought to them.

The surgeon having represented to me that most of them were diseased, and that it was advisable to remove them to prevent the communication of their disorder to the ship's company, the proper subjects pointed out by him were sent to the hospital, ten of them on the 11th, ten on the 16th, and the rest on the 21st, so that at this time not one remains on board.

A copy of the translation will be forwarded to the Admiralty, that their Lordships may be able to judge of the difficulties naval officers have to encounter, in endeavouring to put a stop to such inhuman traffic.

I have the honour, &c.

(Signed)

J. B. SULLIVAN,

Commodore and Commander-in-Chief.

W. G. Ouseley, Esq.
&c. &c. &c.

Fourth Enclosure in No. 205.

Mr. Ouseley to Senhor Joao Baptista Moreira.

SIR,

Rio de Janeiro, 26th July, 1838.

ON receipt of your note of the 7th of July, enclosing a copy of a memorial or petition from certain persons, calling themselves subjects of Her Most Faithful Majesty, and affirmed by yourself to be such, captured in the commission of the crime of slave-trading, I communicated the contents of the petition to Commodore Sullivan, Commander-in-Chief of Her Majesty's naval forces on this station, and requested him to examine into the truth of the statements it contains.

I did not at that time officially forward to Commodore Sullivan a copy of your note, as the language applied in it to the British Officers generally, and to the Commodore in particular, is such that I hoped, after obtaining, as I trusted, a satisfactory reply to the allegations contained in the petition, to induce you, Sir, to consider the propriety of persisting in using, as Chargé d'Affaires of Her Most Faithful Majesty, such language in relation to Her Majesty's Commander-in-Chief on this station.

The late publication, however, of the petition in question in the "Jornal do Commercio" of the 20th instant, one of the leading journals of this place, accompanied with a paragraph mentioning that the petition had been forwarded to me, in my official capacity, with a note from Her Most Faithful Majesty's Chargé d'Affaires, induced me to transmit at once a copy of your note to the Commodore.

The language of the petition enclosed in your note is not worthy of comment. As legal adviser and advocate for criminals taken *in flagrante delicto*, the writer of it only makes use of the gross and vituperative terms and false representations that might be expected in the performance of the miserable task that he undertakes, and for which he is paid. The object of this publication is also clear,—to irritate and influence the mind of the public by gross misrepresentations against those who fulfil their duty, and contribute to put an end to the crime of slave-trading.

But that the Chargé d'Affaires of Her Most Faithful Majesty should render himself responsible for the language held in this petition by affirming its truth, and using, in his own note, terms only to be expected from a zealous and friendly advocate and defender of the Slave Trade, and from a virulent opponent of those who endeavour to suppress this traffic, naturally excites much surprise.

M. de Moreira absolves these delinquents from all crime, and considers it his duty to come forward as representative of the Government of Her Most Faithful Majesty, and to extend to them, as Portuguese subjects, all the protection and assistance that his position enables him to afford.

It is not easy to reconcile this line of conduct with the total prohibition, by the Portuguese Government, of the Slave Trade to all classes of Her Most Faithful Majesty's subjects, and in all parts of her dominions, and the refusal of the protection of the Portuguese flag to all persons taken in the commission of this crime; still less can it be perceived how the conduct of Senhor Moreira in this, as well as in other instances, is conformable to the instructions contained in the 23rd Article of the Decree, published in the "Jornal do Commercio" of the 8th April, 1837.

Article 23 of the Decree of December 10, 1836:—"Os Consules e Vice-Consules de Portugal em qualquer porto estrangeiro, á que forem os navios Portuguezes, saõ encarregados da execuçaõ do presente Decreto; e achando algum contravençaõ a elle, proderaõ requerer da competente Autoridade do Paiz, o embargo do navio en prisãõ dos culpados, fazendo depois remettir o navio, presos e carga as Ministerio da Marinha para mandar tomar de tudo conhecimento pela autoridade á quem competir."

Senhor Moreira must also surely forget his own position and the circumstances of the case, when he comes forward to defend the dignity of Brazil, by complaining of the treatment of these prisoners as an insult to the Imperial Government. In the first place, these men are taken in an act (by Brazilian law) of piracy; they are, as slave-traders, if not found to be Brazilians, repudiated by the Government of Portugal, however much the Portuguese Chargé d'Affaires thinks them entitled to his protection, and are insulting the Brazilian nation and Government by violating their laws in the most palpable manner. The cruisers of Her Majesty only uphold the execution of the laws of this empire, and assist, as sincere allies, this Government to assert its interests and dignity, when they use the utmost vigilance in capturing every vessel attempting to introduce Africans into this country.

Finally, it belongs to the Imperial Government, never culpably backward on such occasions, to take notice of any act of the officers of Her Majesty's squadron of which they may disapprove, and not to the Consul-General and Chargé d'Affaires of Portugal.

With respect to the facts asserted in the petition, and which you state have been examined into by yourself and found to be true, Commodore Sullivan assures me that, so far from any examination having been made by you, Sir, as mentioned in your note, he has neither received any message, note, or visit from yourself or any person sent by you to examine into the truth of these charges, nor has any officer been examined or interrogated by you on the subject. As this would have been the first step in any examination into allegations of this nature, I am at a loss to understand what examination has confirmed in your mind the statement of these malefactors.

The Commodore, moreover, states, that having called up the whole of the prisoners, and asked them, in the presence of numerous witnesses, what complaint they had to make, they declared that they had none, and expressed their surprise that their treatment had been made a matter of complaint, and utterly denied all knowledge of the petition in question; so far from their friends not being permitted to see them, they brought them clean linen, fruit, &c., although this indulgence was by no means a matter of right. They were fed and victualled exactly in the same manner as British supernumeraries, and were prohibited only from receiving spirituous liquors.

These men only came on board the "Stag" on the 4th, and your note is dated the 7th, and for some days past they have all, on account of infectious sickness, been landed.

I have thus thought it right, as Her Britannic Majesty's Chargé d'Affaires, out of respect due to the official character with which you are invested by the Government of Portugal, to give you a summary of the explanation afforded by Commodore Sullivan. I think it right to add, that the Commodore declares, officially, the whole statement to be "a scurrilous, foul, and base calumny of the most libellous nature." Nor do I think that Senhor Moreira, or any other person, will, on mature examination, be inclined to differ with him in opinion, excepting perhaps those who have a positive interest in the proceedings of the slave-traders under the Portuguese flag, or those who are more or less directly their accomplices and protectors.

I have the honour, &c.
(Signed) W. G. OUSELEY.

Senhor Joas Baptista Morena,
&c. &c. &c.

Mr. Ouseley to Viscount Palmerston.—(Received October 23rd.)

(Extract.)

Rio de Janeiro, August 21, 1838.

IN conformity with the instructions contained in your Lordship's Despatch of the 30th April last, I communicated to the Brazilian Minister of Foreign Affairs a copy of the instruction (relative to the cases of slave-vessels bearing the flag of Portugal) addressed by Her Majesty's Government to the British Commissioners at this capital, and which I had the honour to receive under flying seal in your Lordship's Despatch abovementioned.

In communicating these instructions, I did not fail to express to Senhor Maciel Monteiro the confident expectation of Her Majesty's Government, that the Government of Brazil will give corresponding instructions to the Brazilian Members of the Mixed Commission Court here, in furtherance of the common desire of the Governments of Great Britain, Brazil, and Portugal, to put down the trade in slaves.

The Brazilian Minister expressed verbally, on the receipt of my communication, his extreme satisfaction at the adoption of a measure which appeared to him well calculated really to further the object in view. In conversation with Baron Rouen, the French Minister, the language used by Senhor Moreira was equally strong in approbation of the new instructions.

Not having, however, received any answer to my note of the 1st Instant, communicating the instruction in question, and perceiving of late a reluctance evinced by Senhor Moreira to approach the subject; being also of opinion, that a demonstration on the part of the French Minister, of the cordial sympathy existing between the Queen's Government and that of France, on the subject of the suppression of the Slave Trade, would stimulate the Imperial Government to acquiesce in the proposed measure, I thought it advisable to send the note, a copy of which I have the honour to inclose to Baron Rouen, communicating the lately received despatch, hoping to find that His Excellency's instructions would authorise him to express the readiness of his Government to support the views of that of Her Majesty on this question. I am happy to say that I was not disappointed in my expectations of cordial co-operation on the part of M. de Rouen.

I have the honour to inclose a copy of His Excellency's reply to my note, and I have also received from Baron Rouen a copy of that which, in conformity with the general instructions of his Government, to go hand in hand with that of the Queen, in furthering the complete suppression of the traffic in negroes, His Excellency addressed to the Brazilian Minister. A copy of this note is inclosed.

Up to the present date no answer has been received either by the French Minister or by myself to our respective notes, but M. de Rouen informs me that Senhor Maciel Monteiro has expressed himself as being greatly embarrassed by the receipt of His Excellency's note,—that France, not having concluded a Treaty with Brazil for the suppression of the Slave Trade, he was surprised that M. de Rouen should have thought it necessary to address him officially on a subject that appeared more exclusively to interest Great Britain, and that he thought a verbal communication of the views of his Government would have been all that could have been required.

The French Minister assured Senhor Monteiro that his Government was in earnest in the desire expressed to co-operate, by any means in their power, with that of the Queen in furthering the object in question, and trusted to find an equal readiness on the part of Brazil to adopt a measure which he felt it his duty to support, as truly calculated to put a stop to an extensive branch of the culpable traffic, to the suppressive measures against which his Government has declared its entire adhesion.

In an interview that I had yesterday with Senhor Monteiro, his Excellency stated that the Imperial Government had not been able maturely to consider the nature of the proposal of Her Majesty's Government, and that he could not therefore answer my note before the sailing of the packet.

The Brazilian Minister no longer expresses his approbation of the proposed measure (although I really think him, personally, inclined sincerely to adopt it), and is quite silent as to the readiness of the Imperial Government to give instructions to the Brazilian Commissioners similar to those furnished to Her Majesty's Commissary Judge.

First Enclosure in No. 206.

Mr. Ouseley to the Baron de Rouen.

MONSIEUR LE BARON,

Rio de Janeiro, le 4 Aout, 1838.

J'AI l'honneur de transmettre à votre Excellence la copie ci-jointe d'une Instruction adressée aux Commissaires de Sa Majesté, que je viens de communiquer par ordre de mon Gouvernement à Monsieur de Monteiro au sujet de bâtimens sous pavillon Portugais employés dans la Traite des Noirs.

Dans ma note au Ministre des Affaires Etrangères, j'engage le Gouvernement Impérial à seconder les efforts de celui de la Reine, en donnant des Instructions, conformes à celle qui fait le sujet de cette communication, au Commissaire Brésilien.

Sachant tout le part que prend le Gouvernement de Sa Majesté le Roi des Français à ce qui concerne la suppression de ce trafic odieux, ainsi que le désir que votre Excellence à toujours témoigné d'appuyer les mesures que la Légation de Sa Majesté se voit dans la nécessité de prendre à cet égard, j'ai cru de mon devoir de lui communiquer cette Instruction, et j'espère pouvoir profiter, comme par le passé de ses lumières, ainsi que des démarches qu'elle pourra juger à propos de faire pour contribuer à l'objet que nos Gouvernemens respectifs ont tant à cœur, c'est à dire, l'abolition entière de la Traite des Noirs.

Recevez, M. le Baron, &c.

(Signé) W. G. OUSELEY.

Baron de Rouen,
&c. &c. &c.

Second Enclosure in No. 206.

M. de Rouen to M. Ouseley.

MONSIEUR,

Rio de Janeiro, le 7 Août, 1838.

J'AI reçu la note que vous m'avez fait l'honneur de m'adresser le 4 de ce mois, pour me donner communication des nouvelles instructions adressées aux Commissaires de Sa Majesté Britannique au sujet des bâtimens employés sous pavillon Portugais pour la Traite des Noirs.

J'ai tout lieu d'espérer que le Gouvernement Impérial comprendra l' nécessité de s'associer franchement aux dispositions contenues dans ces Instructions, pour arrêter les progrès d'un trafic aussi contraire aux principes de l'humanité qu'alarmant pour la prospérité et l'avenir du Brésil, et je ne manquerai pas non plus d'après les Instructions que j'ai reçus à cet égard, de mon Gouvernement, d'appuyer et de seconder de tout mon pouvoir les démarches que vous serez dans le cas de faire pour obtenir un résultat aussi désirable.

Je saisis cette occasion, &c.

Mr. Ouseley,
&c. &c. &c.

(Signé) BARON A. DE ROUEN.

Third Enclosure in No. 206.

*The Baron de Rouen to M. Maciel Monteiro.**Rio de Janeiro, le 10 Août, 1838.*

LE SS., Envoyé, &c., de Sa Majesté le Roi des Français, ayant reçu de M. le Chargé d'Affaires d'Angleterre la communication officielle des nouvelles Instructions adressées aux Commissaires de Sa Majesté Britannique au sujet des bâtimens employés sous pavillon Portugais à la Traite des Noirs, et s'étant convaincu des avantages qui devaient en resulter pour la suppression de ce trafic, croit de son devoir, d'après les ordres qu'il a lui même reçu à ce sujet de son Gouvernement, d'unir ses instances à celles de M. G. Ouseley, pour appeler l'attention de son Excellence M. Maciel Monteiro, Ministre, &c. &c., à l'importance de cette mesure, et engager le Gouvernement Impérial à en assurer le succès en donnant également aux Commissaires Brésiliens des Instructions conformes à celle qui forme l'objet de cette communication.

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Le SS. a déjà eu plusieurs fois l'honneur de faire connaître à son Excellence M. le Ministre des Affaires Etrangères, la part et l'intérêt que la France ne cesserait de prendre à toutes les mesures qui pourraient faciliter et accélérer l'abolition de ce commerce, dont il croit inutile de présenter de nouveau le danger et l'immoralité, et son Excellence a reconnu, et déplore comme lui, l'inefficacité des moyens qu'ont été employés jusqu'à présent pour en arrêter les progrès. C'est donc avec une entière confiance que le S.S. s'empresse aujourd'hui de venir appuyer auprès de son Excellence Monsieur le Ministre des Affaires Etrangères les démarches de M. le Chargé d'Affaires de Sa Majesté Britannique, pour réclamer le concours du Gouvernement Impérial aux nouvelles mesures qui lui sont proposées, et dont il ne saurait manquer d'apprécier lui-même l'importance et l'utilité.

Le S.S. saisit, &c.

M. Maciel Monteiro,
&c. &c. &c.

(Signé)

BARON ROUEN.

No. 207.

Viscount Palmerston to Mr. Ouseley.

SIR,

Foreign Office, 29th October, 1838.

I HEREWITH transmit to you copies of a Despatch and of its Enclosures from Her Majesty's Commissioners at Sierra Leone, relating to Mr. Gomez, the Brazilian Commissioner of Arbitration in that colony, from which it appears that during Mr. Gomez's recent residence there, it was observed, that his chief associates were the captains and supercargoes of slave-vessels.

I have to instruct you to communicate these papers to the Brazilian Government; and you will take the same opportunity of observing, that such habitual association with slave traders appears to Her Majesty's Government to be inconsistent with the duties which Mr. Gomez is sent to discharge, and must at least tend to produce, in the colony of Sierra Leone, an impression very little favourable either to Mr. Gomez or to his Government.

With respect to the reasons alleged by Mr. Gomez in excuse for this proceeding, it is to be remarked, that every necessary assistance and protection to his countrymen in distress (if the persons in question really were such) might have been afforded, without making them his associates in such a manner as was calculated to induce a belief in the colony, that he not only felt compassion for the men, but viewed with indulgence their Slave Trade pursuits.

I am, &c.

W.G. Ouseley, Esq.
&c. &c. &c.

(Signed)

PALMERSTON.

Enclosure in No. 207.

Sierra Leone Commissioners, July 31, 1838.

(See Class A., No. 42, page 71.)

No. 208.

Mr. Ouseley to Viscount Palmerston. — (Received November 30.)

(Extract.)

Rio de Janeiro, 14th September, 1838.

THE Mixed Commission having refused to take cognizance of the case of the "*Flor de Loanda*," (captured by Her Majesty's ship "*Rover*,") and that slaver having, in an attempt to proceed to Sierra Leone, been obliged to put back in great danger of sinking, and having consequently been declared unseaworthy, the Commander-in-Chief of Her Majesty's Naval Forces has decided upon sending the prisoners and evidences required for her condemnation to Sierra Leone, by way of England, and avails himself for that purpose of the departure of Her Majesty's store ship "*Buffalo*."

I have the honour to refer your Lordship to Mr. Gordon's Despatches, of the 21st of May, and 15th of June last, and my Despatch of the 26th of July last, on the subject of this vessel.

It may possibly be thought expedient by Her Majesty's Government to send the documents respecting the "*Flor de Loanda*" and the prisoners to Lisbon, to try the question of condemnation under the Decree of the 10th December, 1836, instead of sending them in the first instance to Sierra Leone; or should the vessel not be condemned by the Mixed Court at that place, to forward instructions either to transfer the case to an Admiralty Court, as that of a vessel navigating under a flag to which she has no right, or to send it from thence to Lisbon to try whether the Courts at that capital will act in consonance with the declared intentions of the Portuguese Government.

I make this suggestion, as it is highly desirable that this notorious slaver should not ultimately evade condemnation, but afford an important precedent for future similar cases; and also in accordance with the wishes of the proctor for the captors, Mr. Stevenson, who intended to have sent the vessel either directly to Lisbon, or in case of previous non-condemnation at Sierra Leone, from that place for trial. The expense and difficulties of so long a voyage in a crazy vessel alone deterred him from urging the measure on the Commander-in-Chief.

I enclose copies of a note from Commodore Sullivan, and my reply on the subject of sending the case and evidences by the "Buffalo."

First Enclosure in No. 208.

Commodore Sullivan to Mr. Ouseley.

*Her Majesty's Ship "Stag," Rio de Janeiro,
13th September, 1838.*

SIR,

IN consequence of the prize slave-schooner, "*Flor de Loanda*," being in a sinking state, and therefore unfit to proceed to Sierra Leone, until she has undergone a thorough repair, the Brazilian authorities having refused either to lend a hulk for the use of the slaves, or to take charge of them on shore during the time she is under such repair, and, it being uncertain whether the hull of the vessel is worth such an expense; I request you will be pleased to favour me with your opinion as to the propriety of sending the evidences for her condemnation to England, in Her Majesty's store-ship "Buffalo," on Saturday morning next, in order that they may be forwarded from thence to Sierra Leone.

I have the honour, &c.

(Signed) J. B. SULLIVAN,
Commodore and Commander-in-Chief.

*W. G. Ouseley, Esq.,
&c. &c. &c.*

Second Enclosure in No. 208.

Mr. Ouseley to Commodore Sullivan.

SIR,

Rio de Janeiro, 13th September, 1838.

IN reply to your letter this moment received, in which you request my opinion as to the propriety of sending the evidences for the condemnation of the slave schooner "*Flor de Loanda*" to England, by Her Majesty's store ship "Buffalo," the morning after next, in order that they may be forwarded to Sierra Leone, the "*Flor de Loanda*" not being seaworthy; I have the honour to inform you, that, having, previously to the receipt of your application, consulted with Mr. Stevenson, the Proctor of the Captor in this case, and, as such, the representative of his interests, and it appearing to him that such a course as that which you propose is the best that can be adopted under the untoward circumstances you describe, I cannot but be of opinion that, it being decided that the documentary and other evidences are to be sent to Sierra Leone, the opportunity of the departure of the "Buffalo" ought not to be neglected, as no means present themselves of sending directly to Africa without incurring a much greater expense and risk than by making use of Her Majesty's store ship as you propose.

I have, &c.

(Signed) W. G. OUSELEY.

*Commodore Sullivan,
&c. &c. &c.*

No. 209.

Mr. Ouseley to Viscount Palmerston.—(Received November 30.)

MY LORD,

Rio de Janeiro, September 24th, 1838.

I HAVE the honour to acknowledge the receipt, on the 5th instant, by Her Majesty's packet "Opossum," of your Lordship's Despatch, marked Slave Trade, of the 9th June, together with its enclosures.

I have, &c.

(Signed)

W. G. OUSELEY.

*The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.*

No. 210.

Mr. Ouseley to Viscount Palmerston.—(Received November 30.)

MY LORD,

Rio de Janeiro, 24th September, 1838.

I HAVE the honour to transmit to your Lordship a return of the Portuguese slave-vessels which have entered this harbour during the month of August, after having landed their cargoes of Africans in the neighbourhood, and lists of vessels which entered the port of Bahia from the Coast of Africa, and of those which cleared out thence for that destination, during the months of June and July last.

I have, &c.

W. G. OUSELEY.

*The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.*

First Enclosure in No. 210.

Returns of vessels engaged in the Slave Trade which have entered this Port under the Portuguese Flag during the month of August, 1838, after having landed their cargoes of slaves on this Coast.

BARQUE "*Rosa*" from Angola. This vessel took on board 517 slaves. On the voyage she was plundered by a vessel under the Buenos Ayres Flag, leaving only the sickly slaves. With 90 of these she arrived off this Port, and landed them at the Bay of Jurujuba.

Brig "*Dois de Fevereiro*" from Angola landed 324 slaves at Macahé.

Barque "*Velox*" from Angola, landed 475 slaves at Ponte Negra, a few leagues to the eastward of this Port.

Total number of Slaves imported by the three vessels as above, 889.

Rio de Janeiro, September 1, 1838.

The importations during the last month have been limited, arising from the market for some time past being overstocked, and some of the slave dealers having ordered their vessels to proceed to Pernambuco.

Since the late instructions to the Mixed Commission were received, some of the Insurance Companies have declined to take risk on slave voyages, but the traders are, notwithstanding, more animated than formerly, being under the belief that, as no cruizers have appeared to enforce the Instructions, Great Britain is unable to interrupt the traffic. Several Portuguese-build vessels lately arrived from Europe have been fitted out for slave voyages. These are of larger tonnage than those hitherto employed. Thus the Trade is decidedly on the increase.

Second Enclosure in No. 210.

List of Vessels which have entered Bahia from the Coast of Africa, from the 1st June to the 31st July, 1838.

June 2nd. Portuguese brig, "*Intrepido*," Santos, master, with a general cargo, after a voyage of 20 days from the Coast of Africa. Number of crew 28; tonnage 250.

June 11. Brazilian schooner "*Maria Victoria*," Pinto, master, with a general cargo, after a voyage of 68 days from Prince's Island. Number of crew, 10; tonnage 93.

June 15. Portuguese brig "*Concepcao de Maria*," Alves, master; in ballast, in 40 days from Angola. Number of crew 17; tonnage 170.

June 18. Brazilian brig "*Profiro*," Abreu, master; in 25 days from the Coast of Africa, in ballast. Number of crew 8; tonnage 182.

June 18. Portuguese brig "*Destinado*," Lisboa, master; in ballast, 27 days from Loanda. Number of crew 15; tonnage 120.

June 26. Portuguese schooner "*Nova Magdalena*," Pedro, master; in ballast, 32 days from the Coast of Africa. Number of crew 7; tonnage 22.

July 3rd. American brig "*Dido*," Billups, master; cargo, oil and cloth from Onim, in 20 days. Crew 11; tonnage 191.

(Signed)

J. WHEATLEY.

Bahia, 1st August, 1838.

VICE-CONSUL.

Third Enclosure in No. 210.

List of Vessels which have cleared out from Bahia for the Coast of Africa, from the 1st June to the 31st July, 1838.

June 10th. Brazilian brig "*Duarte Felicidade*," Joze Bento, master; cargo, tobacco and rum for St. Thomé Island. Number of crew 15; tonnage 170.

June 19th. French barque "*Napoleon le Grand*," Rembdorio, master; cargo, sugar and rum for Ajuda. Crew 16; tonnage 413.

June 26th. Brazilian schooner, "*Catherine*," Feliciano Jozé, master, with a general cargo for St. Thomé. Crew 19; tonnage 97.

July 2nd. Brazilian brig "*Novo Intrepido*," Joao Antonio, master, with a general cargo for Angola. Crew 19; tonnage 196.

July 29th. Portuguese barque "*Romfim*," Jozé de Mello, master, for Angola, with a general cargo. Crew 20; tonnage 358.

(Signed)

J. WHEATLEY,

Bahia, 1st August, 1838.

VICE-CONSUL.

No. 211.

Mr. Ouseley to Viscount Palmerston.—(Received November 30.)

MY LORD,

Rio de Janeiro, September 24, 1838.

THE prolongation of the present Session of the general Legislative Body until the beginning of October, having been announced, I asked for an interview with Senhor Monteiro, in order to urge the subject of the additional articles to the Slave Trade Convention, as well as to ascertain the disposition of the Imperial Government on other subjects relating to the suppression of the traffic in Africans. His Excellency, however, evaded for some time affording me an opportunity of conversing with him.

I thought it my duty therefore, to address the note (copy of which I have the honour to enclose,) dated the 3rd of September, to Mr. Monteiro, and as I had not received any answer to my note of the 1st of August, requesting the Brazilian Government to issue instructions to their Commissioners similar to those forwarded to Her Majesty's Commissary Judge relative to the condemnation of slave vessels under the Portuguese Flag, on the 4th instant I sent in the note, of which I also enclose a copy, reminding His Excellency that no answer had been received to my former note, and again urging the Brazilian Government to issue the instructions in question.

The "*Opossum*" packet, having arrived on the 5th instant, brought me your Lordship's Despatch of the 9th of June last, transmitting a copy of the unanimous address of the House of Commons to the Queen, on the subject of the suppression of the Slave Trade, with Her Majesty's answer. I immediately addressed the note dated the 5th instant, communicating the address and answer in conformity with your Lordship's instructions, and took the opportunity of reverting to the different points which Her Majesty's Government have at various times urged upon the attention of the Brazilian Ministers.

I pressed upon the attention of the Imperial Government, First, the expediency of adopting measures for the infliction of serious punishment on those guilty of piracy by engaging in the Slave Trade; Secondly, the ratification of the additional Articles to the Slave Trade Convention; Thirdly, the more effectual execution of existing laws against the traffic in Africans, or the adoption of more practical measures where those now pursued are evaded; Fourthly, that instructions be issued to the Brazilian Commissioners in conformity with those of Her Majesty's Government, relative to the condemnation of Slavers under the Portuguese Flag; and lastly, I urged the avoidance of all delays (alluding to the admission of demurrers or embargoes) in carrying into execution the sentences of the Mixed Court.

Since I wrote the above note, of which I have the honour to enclose a copy, I obtained, not without delay, and some betrayal of reluctance, an opportunity of verbally calling to the serious attention of the Brazilian Minister the subject generally of the suppression of the Slave Trade, and particularly referred to the the different points which I have recapitulated, and requested immediate and decided answers upon them, as to the intentions of the Brazilian Ministry to act in conformity with the wishes of Her Majesty's Government, as well as in accordance with their own frequently expressed sentiments on the subject of the Slave Trade.

I also on this occasion alluded to the probability that, if the efforts of Great Britain effectually to ensure the execution by the Imperial Government of their engagements towards that of Her Majesty, were found to continue to be of no avail, measures might be adopted which would be highly disagreeable to the Brazilian Government, but which must inevitably be enforced, if conciliatory and amicable means were found useless, in really putting an end to the traffic in Africans.

His Excellency assured me, that, although I could not expect that the views of the Brazilian Ministers should be exactly the same as those of your Lordship on all the points in question, yet that he did not hesitate to say, that he would be enabled to forward satisfactory answers to my notes before the packet sailed. The packet has now been detained some days after its usual day of sailing, yet no answers have been received.

I have, &c.

(Signed)

W. G. OUSELEY.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

P. S. Since writing the above, I have had the honour to receive, by "Mutine" packet, your Lordship's Despatch of the 13th of July last, instructing Mr. Gordon to urge the Brazilian Government to obtain the ratification of the additional Articles to the Slave Trade Convention; I am happy to find that by sending in my note of the 3rd instant to the Brazilian Minister, I have anticipated in some measure the instructions now sent by your Lordship.

(Signed) W. G. O.

First Enclosure in No. 211.

Mr. Ouseley to M. Monteiro.

Rio de Janeiro, September 3, 1838.

THE undersigned, &c., has the honour to address Senhor Antonio P. Maciel Monteiro, &c., for the purpose of requesting His Excellency to have the goodness to inform him whether the ratification of the additional Articles to the Slave Trade Convention, as mutually agreed upon long since by the Government of Great Britain and Brazil, is likely soon to be concluded, so that the measures for the suppression of the traffic in Africans, which those articles contemplate, may be immediately enforced, it is hoped, with the full concurrence of the Imperial Government.

It is superfluous to say more on the subject at present than to refer Senhor Monteiro to the notes that have been addressed, during the years that have elapsed, since the signature of these articles by the Brazilian Minister and Mr. Fox, to the Brazilian Government, from time to time, both by Mr. Fox and Mr. Hamilton, and to request His Excellency seriously to reflect that there never was a moment at which it was more incumbent upon all civilized Governments to adopt vigorous and effective measures against the inhuman trade in question, as now carried on between Brazil and the Coast of Africa; it being notorious that more Africans have been illegally, although most openly, imported into this Empire, within the last years, than were ever introduced, even at the time when the Slave Trade was considered legal.

The undersigned trusts that the confident expectations entertained by the Queen's Government, that the Imperial Government will obtain the ratification of the additional Articles by the General Assembly during the present Session will not be disappointed.

The undersigned, &c.,

(Signed)

W. G. OUSELEY.

His Excellency Senhor Monteiro,
 &c. &c. &c.

Second Enclosure in No. 211.

Mr. Ouseley to M. Monteiro.

THE undersigned, &c., is under the necessity of officially reminding Senhor Antonio P. Maciel Monteiro, &c. &c. that no answer has as yet been received to the note that he had the honour to address to his Excellency, on the 1st of August, communicating the instructions sent to the British Commissioners relative to vessels under the Portuguese flag engaged in the Slave Trade, and expressing the confident expectation of her Majesty's Government, that the Imperial Government would readily co-operate with those of Great Britain and Portugal, in putting down the trade in slaves, by issuing similar instructions to the Brazilian Commissioners.

The undersigned having already, on more than one occasion, verbally called the attention of Senhor Monteiro to this subject, since the date of the above-mentioned note, finds it his duty earnestly to press upon his Excellency the expediency of adopting, in common with Her Majesty's Govern-

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3 G

ment, a measure so well calculated to contribute to the object which both Governments have in view, namely, the complete suppression of the infamous and impolitic traffic in Africans.

The undersigned, &c.

(Signed) W. G. OUSELEY.

Rio de Janeiro, September 5th, 1838.

His Excellency Senhor Monteiro,

&c. &c. &c.

Third Enclosure in No. 211.

Mr. Ouseley to M. Monteiro.

Rio de Janeiro, September 5th, 1838.

THE undersigned, Her Britannic Majesty's Chargé d'Affaires, has the honour, in obedience to instructions from the Queen's Government, to communicate to His Excellency Senhor Antonio Peregrino Maciel Monteiro, &c. the enclosed copy of a resolution, which was voted unanimously by the House of Commons, for an Address to Her Majesty upon the Slave Trade, together with a copy of the Answer which Her Majesty was pleased to return to that Address.

The language of these papers sufficiently proves the unceasing and anxious desire of the Parliament and Government of Great Britain for the extinction of the traffic in slaves; a desire with which the Imperial Government has so often expressed its sympathy, that the undersigned is authorized to hope that it will gladly join in every effectual measure that may be proposed and carried into execution for the utter abolition of a trade that has so long disgraced nations professing Christianity.

It is in this hope, and in pursuance of further instructions from Her Majesty's Government, that the undersigned takes this opportunity of earnestly pressing upon the Imperial Government the expediency of taking immediate measures for treating as pirates those, of whatever nation and under whatever flag, who persist in carrying on the Slave Trade, and for inflicting upon them the severest punishment with which this worst species of piracy can be visited.

The ratification of the additional Articles to the Slave Trade Convention, signed so long ago as 1835 by the Plenipotentiaries respectively of Great Britain and Brazil, yet hitherto remaining of no effect—the more effectual execution of the existing laws for the suppression of the Slave Trade, and the adoption of more efficacious measures where existing regulations are found to be systematically evaded, and the emission of further instructions to the Brazilian Commissioners, under the Slave Trade Convention, relative to the condemnation of slave vessels under the Portuguese flag, as well as the avoidance of all unnecessary and technical delays in the execution of the sentences of the Mixed Court—are points which have for some years, and up to the present moment, severally formed the subjects of correspondence between Her Majesty's Government and that of His Imperial Majesty. It is much to be regretted that these measures, so well calculated to put an end to the traffic in Africans, have not at once been adopted, or that promptness shown in seconding the efforts of the Queen's Government on this subject, which the professions of the Imperial Government, as well as a sincere desire on the part of that of Her Majesty, amicably and conjointly to continue those exertions for the interests of humanity, which it is not the intention of Her Majesty's Ministers for a moment to relax, would have led them to hope and expect.

The undersigned trusts that no avoidable delay or no disposition to procrastinate in the adoption of effectual measures for the complete extinction of the Slave Trade will be suffered to impede or prevent a prompt and cordial co-operation, on the part of the Imperial Government, with that of Her Majesty, and that the conduct of the Brazilian Government may not warrant that of Great Britain to infer that a change has taken place in the disposition and councils of the Imperial Government relative to the illegal

introduction of negroes into this Empire, or to leave a possible doubt as to the sincerity of their wish to preserve that good understanding on this subject which it has ever been the desire, and, in his opinion, the duty, of the undersigned to endeavour to maintain.

The undersigned, &c.
(Signed) W. G. OUSELEY.

Senhor Antonio Peregrino Maciel Monteiro,
&c. &c. &c.

No. 212.

Mr. Ouseley to Viscount Palmerston.—(Received November 30.)

MY LORD,

Rio de Janeiro, September 24, 1838.

I HAVE the honour to acknowledge the receipt, this day, by Her Majesty's packet "Mutine," of your Lordship's Despatches, marked Slave Trade, addressed to Mr. Gordon, and dated the 13th and 30th of July last respectively.

I have, &c.
(Signed) W. G. OUSELEY.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 213.

Mr Ouseley to Viscount Palmerston.—(Received November 30.)

MY LORD,

Rio de Janeiro, September 26, 1838.

I HAVE the honour to enclose copies of a correspondence which has taken place between the Brazilian Government, Her Majesty's Commissioners, and myself, on the subject of the "*Brilhante*" slaver, which I am privately informed, was finally condemned yesterday.

The immediate departure of the packet obliges me to refer your Lordship to this correspondence, in order to account for the delay which has unfortunately taken place in the adjudication of this vessel.

Her Majesty's Commissioners having, when the process of the "*Brilhante*" was nearly completed, received your Lordship's instructions as to the non-reception of demurrers or "*embargoes*," did not conceive themselves authorised to depart from the letter of these instructions, unless officially requested by me so to do; and accordingly, addressed the note, No. 1, to me on the subject. As I found that the Brazilian Government would not dispense with the demurrers in this case, alleging that the trial had already been nearly concluded before any positive notification had been made, on the part of our Commissioners, of their refusal, and considering that it was necessary to enter into an arrangement with Her Majesty's Government on the subject, previously to dispensing with a system that had been established by law and precedents (in their opinion) for many years, the Brazilian Minister showing also a disposition to get rid of the delays caused by these demurrers in future cases, without reference to the General Legislative Assembly, and more especially as I had ascertained that not the slightest probability existed of the condemnation of the "*Brilhante*" being reversed by the consideration of the demurrers, and that a delay of two or three days at the utmost would be incurred by following the course hitherto allowed, I thought it my duty to recommend, that the demurrers or "*embargoes*" should be received in the particular case in question, under a protest against the concession being considered as a precedent on any future occasion.

Your Lordship will perceive by the subsequent correspondence with the Commissioners, that those gentlemen did not consider it advisable to abide by the advice they had requested, unless the Brazilian Commissioner were instructed by his Government to join in the protest which I had suggested.

This was refused by the Brazilian Minister, and the case would have remained, by following the recommendation of the Commissioners (see enclosures No. 6 and 8,) undecided, until positive instructions could have been received from your Lordship.

Not wishing to prolong indefinitely a correspondence with Her Majesty's Commissioners, which was already of considerable length, and from which it did not appear that any advantage was likely to result, I found after much private correspondence and verbal communication with the Chief Commissioners and the Brazilian Minister for Foreign Affairs, that the conclusion of the affair of the "*Brilhante*" would be secured if I wrote to the Commissioners, officially assuring them of the acquiescence of the Brazilian Government in considering the admission of the demurrers in the process of the "*Brilhante*," as having no action on any future case that might occur.

I consequently wrote the note, No. 14, to the commission, on having previously received one from Senhor Monteiro, agreeing to its contents. And the "*Brilhante*," as I have since learnt, is condemned.

Many circumstances induced me to act thus, as the only means likely to avoid a further indefinite delay, in a case that had already excited much attention. It had moreover, caused considerable inconvenience to the Commander-in-Chief of Her Majesty's squadron, giving occasion for irritating correspondence with the Imperial Government, arising out of nightly attacks upon the vessel, for the purpose of kidnapping the negroes; and above all, great sickness and suffering had been occasioned to the negroes on board, by their long detention in a crowded and filthy vessel. On which subject, I had received strong and repeated representations from Commodore Sullivan, and others, (with copies of which I do not trouble your Lordship.) I trust therefore that, under the peculiar circumstances of the case, I have not acted in a manner that will incur your Lordship's disapprobation.

I have, &c.

(Signed)

W. G. OUSELEY.

The Right Hon Viscount Palmerston, G.C.B.

&c.

&c.

&c.

First Enclosure in No. 213.

Her Majesty's Commissioners to Mr. Ouseley.

SIR,

Rio de Janeiro, July 9, 1838.

You are already in possession of the representation which, in consequence of Viscount Palmerston's recent instructions, we submitted to the Court on the 20th ult.

On the 5th instant, the Brazilian Commissary Judge presented the enclosed Portaria in reply, declaring at the same time, in very positive terms, his determination to act up to it; as also, his expectation that Her Majesty's Commissary Judge would equally concur therein.

After much discussion between the two Commissary Judges, in which the Brazilian insisted on the exact observance of the Portaria, and the consequent immediate admission of the embargoes, offered to the sentence of the Court in the case of the "*Brilhante*," and the British reiterated his objections both to the practice in general, and to the admitting it as regards that vessel, the former declared that, if the opposition were persisted in, he should at once enter a formal protest, exonerating his Government from all the consequences of a delay, which might become indefinite, for that, without the admission of embargoes, no Judge would be found to execute the sentence, and the vessel, and the Africans on board, must necessarily remain *in statu quo*.

The instructions of Viscount Palmerston being most positive, Her Majesty's Commissary Judge prepared the paper, a copy of which is subjoined, for presentation; but, considering the great inconvenience of every kind, and to all parties, which would result from the postponement of the final decision respecting the "*Brilhante*," as also the mischief which might ensue to the cause which the British Government and nation have so much at heart, from indisposing the Imperial Government to that cause, more than it is already, by any abrupt procedure on the part of the British Commissioners, we have thought it advisable to suspend the official presentation of this paper, which has, however, been read confidentially to the Brazilian Commissary Judge, and to inform you exactly how the matter at present

stands, in the hope that it may be in your power, in your communications with the Imperial authorities, to induce them to alter their decision.

Should you, however, find this impracticable, Her Majesty's Commissary Judge will feel it to be his duty, to enter this representation formally in the Minutes, and to regulate his conduct in conformity thereto, unless officially requested by you to follow a different course.

We have, &c.

(Signed)

GEORGE JACKSON,
FRED. GRIGG.

W. G. Ouseley, Esq.
&c. &c. &c.

Second Enclosure in No. 213.

Mr. Ouseley to Senhor A. P. M. Monteiro.

Rio de Janeiro, July 13, 1838.

THE undersigned, &c., has the honour to inform Senhor A. P. Maciel Monteiro, &c., that the Brazilian Commissary Judge in the Mixed Commission, under the Convention for the suppression of the Slave Trade, having declared to his colleague that, in the case of the "*Brilhante*," certain papers called embargoes must necessarily be taken into consideration (notwithstanding the objections made to their reception) before the sentence of the Commission can be carried into effect, Her Majesty's Commissioner finds himself under the necessity of formally refusing, in conformity with the instructions of his Government, to admit these embargoes.

From the tenor of the note of Senhor Limpo de Abreo, dated 22nd March, 1837, to Mr. Hamilton, as well as from subsequent circumstances, it was hoped that, either by an act of the Legislative Body, or otherwise, the Imperial Government would have been enabled to instruct their Commissioners to dispense with a formality peculiar to Brazilian tribunals. The undersigned requests Senhor M. Monteiro to have the goodness to inform him of the decision of the Imperial Government on this subject, trusting that such decision may be in conformity with the views of Her Majesty's Government, and thus put an end to delays, and (*de facto*) new trials, after sentences, which the Convention declares to be final, have been pronounced.

The undersigned takes the liberty of requesting that Senhor Monteiro will communicate to him the resolution of the Imperial Government as early as it will be convenient to his Excellency, the "*Brilhante*" slave vessel having already been so long under adjudication, and the execution of the sentence in her case being delayed solely by the refusal of the Brazilian Commissioner to dispense with the reception of the embargoes.

The undersigned avails, &c.,

Senhor Maciel Monteiro,
&c. &c. &c.

W. G. OUSELEY.

Third Enclosure in No. 213.

Mr. Ouseley to Senhor Maciel Monteiro.

(Confidential.)

MONSIEUR LE MINISTRE,

Rio de Janeiro, Julie 17, 1838.

AVANT d'écrire officiellement au sujet du refus de la part de Sir George Jackson, d'admettre les embargoes offerts, dans le cas du "*Brilhante*," j'ai voulu attendre de la part de votre Excellence la communication relative à cette affaire, que vous avez eu la bonté de me promettre verbalement.

Ayant lieu d'espérer, d'après la teneur de la conversation que j'ai eu l'honneur d'avoir avec votre Excellence, qu'il serait possible de mettre la procédure légale Brésilienne, quant à la Commission Mixte, en harmonie avec l'intention du Gouvernement de la Reine, d'éviter à l'avenir tout délai dans l'exécution des sentences finales portées par la Commission, et de se conformer à la lettre du Traité, Sir George Jackson a voulu ne pas présenter sa protestation contre la réception des embargoes dans le cas du "*Brilhante*," si tôt.

M. le Commissaire Brésilien n'ayant pas hésité de présenter les embargoes, Sir G. Jackson ne s'est pas cru autorisé à retarder plus long temps la présentation formelle de son refus de les prendre en considération.

En attendant, le sort du bâtiment, et de ceux qui s'y trouvent abord depuis si long temps, reste indécis, il est extrêmement à désirer que ce *status quo* cessât immédiatement. C'est dans le but non seulement de remplir mon devoir en engageant le Gouvernement Impérial à ne plus permettre l'introduction de délais non prévus par la Convention, mais encore dans le cas actuel, de trouver un moyen de faire cesser cet état de choses, et les souffrances extrêmes qui en résultent, que je prie votre Excellence de m'accorder un entretien (en cas que je ne la trouve pas au bureau des Affaires Etrangères aujourd'hui), ou demain soir, ou le lendemain matin, soit dans la Rue des Infantes, soit ailleurs, à sa convenance.

Je prie, &c.

Senhor Maciel Monteiro.
&c. &c. &c.

(Signé) W. G. OUSELEY.

Fourth Enclosure in No. 213.

Senhor Monteiro to Mr. Ouseley.

(Translation.)

THE undersigned, Secretary of State for Foreign Affairs, has the honour to acknowledge receipt of the note addressed to him on the 13th instant, by Mr. Ouseley, &c., in which he announces that the British Commissary Judge in the Mixed Brazilian and British Commission for the abolition of the Slave Trade, refused, in consequence of instructions which he asserts he has received from his Government, to admit the embargoes presented to the sentence condemning the brig "*Brilhante*;" Mr. Ouseley referring to the note of one of his predecessors of the 22nd March, 1837, declares that it was to be expected, from its contents, that the Imperial Government would have been already authorised by the Legislative Body to dispense with the said embargoes, which Mr. Ouseley designates as a formality peculiar to Brazilian tribunals, and finally requesting a decision on this point.

The undersigned, assuring Mr. Ouseley that the Imperial Government has no doubt of being enabled permanently to settle the question relative to the exception of embargoes, and of observing, for the future, what may be stipulated, is of opinion, in the mean time, that it is authorised to insist on the practice hitherto observed by the Mixed British and Brazilian Commission, of admitting the embargoes offered to their sentences, reserving, consequently, for another occasion, the examination of the principle, which is a subject of doubt to the British Commissary Judge, inasmuch as, in the present instance, it is highly desirable no longer to delay the sentence of the "*Brilhante*," in order not to increase the inconveniences and aggravate the sufferings of the miserable Africans on board that vessel.

The undersigned avails himself, &c.,

(Signed) ANTONIO PEREGRINO MACIEL MONTEIRO.

Palace of Rio de Janeiro, July 20, 1838.

W. G. Ouseley, Esq.
&c. &c. &c.

Fifth Enclosure in No. 213.

Mr. Ouseley to Her Majesty's Commissioners.

GENTLEMEN,

Rio de Janeiro, 21st July, 1838.

ON the receipt of your note of the 9th July, and its Enclosures, marked A. and B., I had an interview with the Brazilian Minister for Foreign Affairs, and was in hopes, from the opinions then expressed by M. de Monteiro, that the Brazilian Commissioner might be instructed not to insist upon the exact observance of the portaria, relating to the subject of embargoes. A delay occurring, however, in ascertaining the decision of the Imperial Government on this point, Her Majesty's Commissary Judge considered it his duty formally to present the papers marked B., which

having been taken into mature consideration by the Brazilian Government (as I am informed by M. M. Monteiro), they are, notwithstanding the objections urged in that paper against the admission of embargoes, of opinion, that their reception is indispensably required by the forms of Brazilian law.

I, therefore, in order to avoid any further and indefinite delay, much inconvenience and suffering having already been occasioned by the long detention of the "*Brilhante*," strongly recommend that the embargoes offered in the case of that vessel should be in this particular instance allowed to be taken into consideration, according to the peculiar forms of Brazilian law, the observance of which has hitherto been submitted to by the Mixed Commission Court, although never recognised by Her Majesty's Government.

As, however, it is possible that the consent in this instance of Her Majesty's Commissary Judge to admit the embargoes, may be misconstrued into an acquiescence in a system, fraught with so much delay, and which cannot be reconciled to the letter or spirit of the Convention under which the Mixed Commission Court is formed, it will be necessary carefully to guard against any such misconstruction, by expressly protesting against a precedent for the future reception of embargoes, in other instances, being established by a concession, which is only advisable on account of the extreme urgency and the peculiar circumstances of the case of the "*Brilhante*."

I am, &c.

(Signed)

W. G. OUSELEY.

To Sir G. Jackson and Frederick Grigg, Esq.

&c. &c. &c.

Sixth Enclosure in No. 213.

Her Majesty's Commissioners to Mr. Ouseley.

SIR,

Rio de Janeiro, July 23, 1838.

WE have to acknowledge the receipt of your official letter of the 21st instant, in which you inform us, that, contrary to the hopes you had been led to entertain from the language held to you by M. de Monteiro, in the interview which you had with him, on the receipt of our letter of the 9th of this month, the Brazilian Government, having taken into mature consideration our representation on the subject of embargoes, are still of opinion that their reception is indispensably required by the forms of Brazilian law.

To this information you add, that, in order to avoid any further and indefinite delay, you strongly recommend that the embargoes offered in the case of the "*Brilhante*" should be, in this particular, allowed to be taken into consideration; and you observe further, that it will be necessary carefully to guard against any such admission being misconstrued into an acquiescence in the system, by expressly protesting against it as a precedent in other instances.

In our letter of the 9th instant, written in the uncertainty whether you might not possibly be furnished, Sir, with special instructions on the subject of embargoes, which might supersede those received by us from Viscount Palmerston by the last packet, we stated that, unless officially requested by you to follow a different course, Her Majesty's Commissary Judge would feel it to be his duty to regulate his conduct, in conformity to the representation above-mentioned. As, however, it does not appear from your last letter that you have any such instructions, and as your recommendation to us to admit the embargoes in the case of the "*Brilhante*" rests solely on the expediency of avoiding any further and indefinite delay, in addition to the inconvenience and suffering already occasioned by the long detention of that vessel, it becomes our duty to consider well how far we should be justified in deviating from the aforesaid instructions.

From the enclosed extract from these instructions you will observe, that their tenor is most explicit and positive, and that, though written in con-

templation of an alteration of the law on the point in question being proposed to the legislature, we are forbidden to allow such an intention on the part of the Brazilian Government, to induce us to acquiesce in permitting the practice of embargoes to continue.

The case, as it now presents itself, is, as far as we understand it, Sir, still stronger. Not only had the above instructions reference to an assurance given so long ago as March, 1837, and which, up to the last moment of the existence of the Ministry under which it was given, was never more heard of, but that Ministry has been succeeded by one, who have allowed a great portion of the present Session to pass without even attempting to give effect to it, and who, professedly formed on opposite principles from those of their predecessors, may not, perhaps, consider the pledge as binding upon them. On the other hand should we, from a consideration of the inconvenience which you point out, disobey the injunctions of Viscount Palmerston, and agree to the concession *pro hac vice*, the same inconvenience, attended with increased embarrassment, might recur to-morrow; as it is quite certain that, so long as the practice shall be allowed, no sentence would ever be pronounced by the Court of Mixed Commission which would not, on the one side or the other, be impugned by the same process, the mischief of delay consequent thereupon being in either case equal. The recent instance of the "*Cesar*" is strongly in point. The objection of Her Majesty's Commissary Judge to concede the delay demanded in that case, rested, it is true, on different grounds; but the sole object sought by the presentation of embargoes, and which, had the required security been given, would infallibly have been obtained, was the same, namely, a delay to the utmost extent permitted in any possible case by the Convention.

However strongly the protest accompanying the concession might be worded, still such concession could hardly fail to be taken and urged as a precedent, at least till such time as reference could be had to Her Majesty's Government; nor, indeed, do we see how it would be possible for us to yield the point in this particular instance, and withhold our acquiescence in the continuance of the same practice, during the interval that must elapse before an answer can be received from England to our present Despatches.

After giving, therefore, the subject the most anxious consideration, Her Majesty's Commissary Judge has come to the conclusion, that it is imperative upon him to refuse any longer to receive embargoes; and we cannot but hope that means may be found, by hiring, if necessary, some merchant ship or hulk, as suggested by Viscount Palmerston's prior instructions, which, with the aid of a competent and responsible guard from the flag ship, may provide, as well for the welfare as for the security of the Africans on board the "*Brilhante*," no less effectually than if they were at once disposed of and distributed in the usual way.

We have, &c.

(Signed)

GEORGE JACKSON.
FREDERICK GRIGG.

W. G. Ouseley, Esq.

Seventh Enclosure in No. 213.

Mr. Ouseley to Her Majesty's Commissioners.

GENTLEMEN,

Rio de Janeiro, July 26th, 1838.

I HAVE received your note of the 23rd instant, together with its Enclosures, in which you decline to admit, as strongly recommended by me in my note of the 21st, in the exceptional case of the "*Brilhante*," certain embargoes, under an express stipulation, that such concession shall not be regarded as a precedent.

The grounds upon which you consider it your duty to refuse the admission of the embargoes are, in the first place, the nature of your instructions from Her Majesty's Secretary of State, and also the consideration, that a concession *pro hac vice* might entail upon you the necessity of admitting embargoes in future cases, or incurring similar inconveniences, attended, as you affirm, with increased embarrassment, the occasion for which might

recur to-morrow. You consider that a protest could scarcely be so worded as not to allow of its being taken and urged as a precedent for the continuance of the practice, in which you would, you think, be obliged to acquiesce, at least until reference were had to Her Majesty's Government.

Finally, you recommend, rather than allow the embargoes in this instance to be received, to place the Africans in a hired merchant ship or hulk for an indefinite period.

The object to be attained by the refusal of the "embargoes" being to avoid all unnecessary delay, and the consequent inconveniences and suffering, in carrying into execution the sentences of the Mixed Commission, it would, in the instance of the "*Brilhante*," be incurring a certain further delay, and probably one of extreme duration, in the case of a vessel that has already been for a very considerable time under adjudication; nor do I perceive that, in the event alluded to by you, of the possible capture of another vessel, (supposing similar circumstances to arise out of its trial,) the inconveniences of the anticipated case would be at all diminished by leaving those of the "*Brilhante*" still in existence.

I cannot agree with you in opinion, that no protest can be so worded as to avoid the possibility of an exceptional concession, in this instance, becoming a precedent. The trial of the "*Brilhante*" began some weeks before the positive instructions, on which you now proceed, arrived, and sentence was pronounced before they could be acted upon. No formal notification, consequently, had been, or could be, given, of the positive refusal on our part in future to admit embargoes. The position of the question, therefore, in relation to any new case that may occur, will not be exactly similar, as notice will have been previously given to the Brazilian Government, as well as to the parties concerned, of the intention of Her Majesty's Commissioners to refuse the admission of embargoes.

It by no means follows, therefore, that acquiescence *pro hac vice* will necessitate the "continuance of the said practice indefinitely," still less "during the interval that must elapse before an answer can be received from England to your present Despatch," inasmuch as the principle to be established for the future being perfectly clear, and your right to insist upon it being unimpaired, no occasion for immediate reference to Her Majesty's Secretary of State exists, the case of the "*Brilhante*" being exceptional. Moreover, although the Brazilian Government, in the case of the "*Brilhante*," do not consider it possible to refuse the admission of embargoes, they expressly reserve, in their official communication to me, the point in question, for future consideration, with a view to satisfactory arrangement. It will, of course, be my endeavour to induce the Brazilian Minister to accede to the principle laid down by the Queen's Government, nor is it requisite, for that purpose, to await the capture of another vessel, nor to detain the Africans found on board the "*Brilhante*" until further instructions may be received by Her Majesty's Commissioners.

In order, therefore, to avoid a certain, further, and extremely inconvenient delay in the present case, and inasmuch as the future right to refuse the embargoes remains in full force—taking also into consideration the circumstances of the trial of the "*Brilhante*" having been in fact nearly completed before the intention of refusing the embargoes was formally announced, as also the reservation of the point for future consideration by the Brazilian Government, and the possibility of concluding a satisfactory arrangement of the question before another case may arise for adjudication, I think it my duty officially to request that you will act, as was strongly recommended in my note of the 21st instant; and admit, in this instance, the embargoes, carefully guarding against this exceptional concession being interpreted as a precedent for future cases.

I have, &c.

Her Majesty's Commissioners,
&c. &c. &c.

(Signed) W. G. OUSELEY.

Eighth Enclosure in No. 213.

Her Majesty's Commissioners to Mr. Ouseley.

SIR,

Rio de Janeiro, 30th July, 1838.

WE were about to inform you of the presentation of a "Portaria" this day, by the Brazilian Commissary Judge, from the Minister for Foreign Affairs, transmitting, for his information, the copy of his Excellency's note to you of the 20th of this month, when we received your official letter, dated the 26th instant.

From the tenor of this Portaria, and of its enclosure, we were the more confirmed in the propriety of the resolution announced to you in our last letter, because M. Maciel Monteiro, while professing the readiness of the Imperial Government to settle permanently the question relative to the admission of embargoes, and to observe, from the moment of such settlement, whatever should be agreed upon, seems to lose sight of the grounds on which their conclusion has hitherto been resisted by every successive Ministry, viz. the necessity of a recurrence to the Legislature; and, without either affirming or denying that necessity, or pledging himself in the former hypothesis to bring the question before them, speaks only of reserving its discussion for another and indefinite opportunity, enjoining the observance of the practice hitherto followed, so long as the principle objected to by Her Majesty's Commissary Judge shall not be definitively decided.

In the letter which, under date of the 26th instant, we have received from you this day, you state that you think it your duty officially to request that we will admit the embargoes, in this instance of the "*Brilhante*," and you ground this request—

1st. On the expediency of avoiding a certain further delay in the present case, and which would probably be one of extreme duration.

2nd. On the consideration, that the future right to refuse embargoes would not be impaired by conceding them in the present case, no formal notification of the positive refusal on our part to admit of embargoes in future, having been made before the sentence on the "*Brilhante*" was pronounced.

And 3rdly. On the expectation of a satisfactory arrangement of the question being concluded, without further reference to Her Majesty's Government.

With respect to the first point, we can add but little to what we have already stated: so far, however, from considering that the inconveniences "of the anticipated case would be at all diminished by leaving those of the '*Brilhante*' still in existence," our argument proceeded on the increased embarrassment, which would be caused in any future case by present concession—on the necessity of taking our stand at some given period—and on the belief that a better moment than the present could not be chosen for that purpose; and that the course now to be adopted should be considered with reference, not so much to the inconvenience which may result from it as regards the "*Brilhante*," as to the mischief which might follow in a future case, should such stand not now be made.

On the 2nd point we have to observe, that the instructions from Her Majesty's Secretary of State reached us on the 14th June, and that we lost no time in acquainting our colleagues with their purport. Embargoes were then before the Court in the case of the "*Flor de Loanda*," and the first intention of Her Majesty's Commissary Judge was to act immediately on those instructions, which he had, in fact, anticipated, in his official statement to the Court, so early as the 28th May; but he was subsequently induced to alter that intention, as well on the grounds now urged by you, and which in the case of that vessel applied with much greater force, as from the consideration pressed upon him by his Brazilian colleague, that those embargoes, though neither at that moment followed up by the Proctor, nor acted upon by the Court, had, in fact, been for a long time before it. In admitting them these reasons were distinctly stated, with the intimation that, in no future case, the "*Brilhante*" being then under

adjudication, could the British Commissary Judge agree to receive embargoes; and on the following day, the 20th June, our paper of that date, to which the Portaria of the 9th instant was a reply, was formally recorded, and communicated to the Imperial Government. Sentence on the "*Brilhante*" was not passed till 25th June, and the delay in the presentation of embargoes to that sentence was delayed so long, that the British Commissioners began to hope that, in consequence of what was known to be their determination, none would have been offered.

The third consideration suggested by you we deem to be beyond our province to discuss on the present occasion, or we should remark, that the impossibility to refuse the admission of embargoes, alluded to in the note, now for the first time communicated to us, is not confined to this particular case of the "*Brilhante*," and that neither the terms of the note, nor the actual position of this country, appear to us to afford any very sanguine grounds for expectation that a course more in accordance with her engagements with Great Britain, on all matters connected with the Slave Trade, than that hitherto followed, is likely to be pursued by the present Government.

Still, however, we are not, Sir, less desirous than yourself to avoid the delay you deprecate; and it has occurred to us that it may be possible for you, if the Imperial Government are really deserving of the confidence which you seem inclined to repose in them in this instance, to obtain a formal and distinct assurance, in the nature of an express stipulation, that, supposing Her Majesty's Commissioners to acquiesce, *pro hac vice*, in the admission of embargoes, such exceptional concession shall not be taken as a precedent, in the event of any other case occurring, before ulterior instructions may be received from the Queen's Government.

With such an assurance we would venture to act as you recommend; but, without it, we should not feel ourselves justified in doing so. We might ourselves propose this stipulation to the Brazilian Commissary Judge, and shall, as a last resource, not fail to do so, before finally closing this discussion; but, it is evident, that unless previously instructed by Her Majesty's Government to agree thereto, it would have no practical effect; and we therefore offer the suggestion for your consideration, as the only effectual way, in our opinion, of guarding against the concession being taken and urged as a precedent for future cases.

I have, &c.

(Signed)

GEORGE JACKSON.
FREDERICK GRIGG.

W. G. Ouseley, Esq.,
&c. &c. &c.

*Extract from Viscount Palmerston's Despatch to Her Majesty's Commissioners,
April 18, 1838.*

I am glad to hear that the Brazilian Government admits the justice of the complaints made against the practice of embargoes. But the fact, which has been stated, of the mere intention of that Government to propose to the Legislative body in Brazil an alteration of the law in this respect, must not induce you to acquiesce in permitting the practice to continue, until such alteration shall have been made, because the practice might, in such case, be continued for an indefinite time.

Ninth Enclosure in No. 213.

Commodore Sullivan to Mr. Ouseley.

SIR,

H. M. S. "*Stag*," Rio de Janeiro, 29th August, 1838.

As the negroes on board the prize brigantine "*Brilhante*" are getting weak and sick, in consequence of so many being crowded together in a small space for such a length of time, I have the honour to request you will be pleased to inform me when it is likely a final decision will be

3 H 2

passed on the above-mentioned brigantine, previous to her being taken charge of by the proper authorities.

I have, &c.

(Signed) J. B. SULLIVAN,
Commodore and Commander-in-Chief.

P.S.—Twenty-nine at present at the hospital, with three more hospital cases. Six have died at the hospital. J. B. S. Commodore.

W. Gore Ouseley, Esq.,
&c. &c. &c.

Tenth Enclosure in No. 213.

Mr. Ouseley to Her Majesty's Commissioners.

GENTLEMEN,

Rio de Janeiro, 29th August, 1838.

I ENCLOSE a copy of a note that I have received from the Commander-in-Chief respecting the case of the "*Brilhante*." I should be obliged by your enabling me to furnish the Commodore with the information he requires.

I have to acknowledge the receipt of your note of the 30th ult. in which you finally refuse to act, in relation to the above case, in accordance with the official request, which, at your desire, as expressed in your note of the 9th of July, I addressed to you.

I have, &c.

Her Majesty's Commissioners,
&c. &c. &c.

(Signed) W. G. OUSELEY.

Eleventh Enclosure in No. 213.

Her Majesty's Commissioners to Mr. Ouseley.

SIR,

Rio de Janeiro, 30th August, 1838.

WE received yesterday your letter of the 29th instant, enclosing one addressed to you by the Commander-in-Chief of her Majesty's Naval Forces on this station, respecting the case of the "*Brilhante*," and stating that you should be obliged by our enabling you to furnish the Commodore with the information he requires.

Having already put you in possession of all that has passed on this subject, and specifically of our Minutes of the 8th instant, the only further information that it is in our power to furnish, is, that up to yesterday the Brazilian Commissary Judge declared himself to be without any fresh instructions respecting the case in question; and that unless you, Sir, can induce the Imperial Government to authorise their Commissioner to accede to the expedient, which, in compliance with your wishes, we suggested at the sitting of the Court on the 2nd inst., viz. to join with us in a declaration, that the resource of embargoes (if now permitted) is allowed for this time only, and that their reception in this instance shall form no precedent for the future—a course which the Brazilian Commissioner, and as he himself declares, his Government, have hitherto distinctly refused—we know no alternative, as we conceive, but to abide strictly by the instructions received by us from Her Majesty's Principal Secretary of State, and to await the final decision of his Lordship, in answer to our several reports of the way in which we have carried those instructions into execution.

In saying this, however, we would be understood to speak only of ourselves. The Court having, as we contend, duly given its final sentence in the case of the "*Brilhante*," in strict conformity with the Convention, it remained only for the Imperial Government to perform their part, and to carry that sentence faithfully and promptly into execution; a duty which, it appears to us, is manifestly incumbent upon them, and which we should rejoice to see you, Sir, as Her Majesty's representative at this Court, firmly urging upon their serious consideration. On this point, however you must, of course, be the best judge; nor do we presume to offer an opinion. We have therefore only to add, that you seem to have misunderstood the pur-

W. G. Ouseley, Esq.
&c. &c. &c.

We have, &c.
(Signed) **GEORGE JACKSON,
FREDERICK GREGG.**

Mr. Ouseley to Senhor Monteiro.

Rio de Janeiro, 14th September, 1838.

I have, &c.
(Signed) W. G. OUSELEY.

His Excellency Senhor Antonio P. Maciel Monteiro,
 &c. &c. &c.

I have, &c.

(Signed)

W. G. OUSELEY.

(Translation.)

Senhor Monteiro to Mr Ouseley.

Rio de Janeiro, September, 17th, 1838.

I avail myself, &c.

(Signed)

ANTONIO PEREGRINO MACIEL MONTEIRO.

*Mr. Ouseley,
&c. &c.*

Mr. Ouseley to Her Majesty's Commissioners.

Rio de Janeiro, September, 17th, 1838.

WITH reference to your latter notes to myself, as well as your verbal statements, to the effect that you did not consider yourselves authorised to depart from the letter of your instructions, by admitting certain embargoes in the case of the "*Brilhante*," unless you could be officially assured by me that such concession should not be regarded by the Imperial Government as a precedent in any future case, but was to leave the question of the reception or non-reception of the embargoes as free as if the case of the "*Brilhante*" had never occurred ; it becomes my duty to inform you, that the Brazilian Minister for Foreign affairs has officially assured me, that he fully adheres to the above-mentioned agreement, and that the Imperial

Government do not consider the admission of the embargoes in this instance, as having any action whatever on such future cases as may come before the Mixed Commission.

I therefore have again to repeat my official request that you will proceed, without any further avoidable delay, to the consideration of the embargoes in question, in the case of the "*Brilhante*," with a view to the ultimate execution of the sentence of your Court.

I have, &c.
(Signed) WILLIAM GORE OUSELEY.

To Her Majesty's Commissioners,
&c. &c. &c.

No. 214.

Viscount Palmerston to Mr. Ouseley.

SIR,

Foreign Office, December 5th, 1838.

WITH reference to your Despatch, marked Slave Trade, of the 26th of July last, suggesting that a hulk should be stationed at Rio de Janeiro, as a receiving ship for Slaves from on board of Slave Traders captured by Her Majesty's ships, I herewith transmit to you copies of correspondence between this office and the Admiralty, from which you will perceive that a vessel will be sent out to Rio for the purpose, so soon as a suitable ship can be provided.

I am, &c.
(Signed) PALMERSTON.

To G. W. Ouseley,
&c. &c. &c.

Enclosures in No. 214.

Mr. Backhouse to Mr. Wood, Foreign Office, October 13th, 1838.

Sir James Barrow to Mr. Backhouse, Admiralty, Nov. 23rd, 1838.

(See Class A. Enclosures in No. 134, Page 190.)

No. 215.

Mr. Ouseley to Viscount Palmerston.—(Received December 16.)

MY LORD

Rio de Janeiro, 23rd October, 1838.

I HAVE the honour to transmit a copy of a note from the Brazilian Minister of Foreign Affairs, dated 22d instant, inclosing a *Portaria* or order, addressed to the Brazilian Commissary Judges, containing instructions similar to those forwarded to Her Majesty's Commissioners in your Lordship's Despatch of the 30th April, relative to the capture and condemnation of Slavers under the Portuguese flag.

The Brazilian Government has thus fully acceded to the proposal, which I made to them in conformity with the instructions, which I had the honour to receive from your Lordship.

I have the more satisfaction in communicating to your Lordship this proof of the wish of the Imperial Government to act in conformity with that of Her Majesty, and to second their efforts for the suppression of the Slave Trade, as there is at this moment so strong a feeling generally existing in this country against any interference on the part of the Government with this illegal traffic, that it was to be apprehended that the Brazilian Ministry, from a fear of losing popularity and influence, would not have adopted the measure recommended by your Lordship.

Since the receipt of Senhor Monteiro's note, I have been officially informed by Her Majesty's Commissioners, that the instructions in question have been duly received by their Brazilian colleagues.

I have, &c.
(Signed) W. G. OUSELEY

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

First Enclosure in No. 215.

(Translation.)

Senhor Monteiro to Mr. Ouseley.

THE undersigned, &c. has the honour to acknowledge receipt of the note, which Mr. Ouseley &c. addressed to him on the 1st of August of the present year, soliciting on the part of the Imperial Government the issuing of the necessary orders to the Brazilian Commissioners of the Brazilian and British Mixed Commission, established in this capital, in order that in the adjudication of vessels which may be captured under the Portuguese flag, in the act of transporting slaves from the coast of Africa, the regulations indicated in the instructions, which the British Government has lately transmitted to his Commissioners, should be observed by the former.

The undersigned having laid Mr. Ouseley's note, accompanied by the copy of the said instructions, before the Regent, in the name of the Emperor, he has received orders to communicate to Mr. Ouseley, that the Imperial Government, desiring always to act in accordance with that of Her Britannic Majesty, in the sacred task of causing to cease the horrid and rebroate commerce in human flesh, and appreciating, in all its just value, the lively anxiety and solicitude with which the said British Government has endeavoured to expiate a curse which still dishonours civilization, feels great pleasure in being able to give on this occasion, a convincing proof of the sincerity of the sentiments, with which it is animated as regards this subject, by instructing the Brazilian Commissioners to observe in the adjudication of such vessels as those mentioned above, the directions embodied in the order (Portaria) copy of which is enclosed herewith, thus contributing on its side to render effective, and as completely so as possible, the stipulations of the treaty concluded between the two Crowns, for the total extinction of the traffic, and of obtaining the positive results of so glorious an undertaking.

Having the satisfaction of making to Mr. Ouseley this communication, the undersigned avails himself, &c.

(Signed) ANTONIO PEREGRINO MACIEL MONTEIRO.

Palace of Rio de Janeiro, October 22nd, 1838.

W. G. Ouseley, Esq.

Second Enclosure in No. 215.

(Translation.)

Portaria. Rio de Janeiro, 19th October, 1838.

THE *Chargé d'Affaires* of Her Britannic Majesty having solicited in the note, translation of which is enclosed, that the Imperial Government should issue to the Brazilian Commission of the Brazilian and British Mixed Commission, established in this capital, the necessary instructions, in order that the adjudication of vessels which may be captured under Portuguese colours, in the act of transporting slaves from the coast of Africa, should be regulated by the instructions, likewise enclosed in translation, and which the British Government has given to its Commissioners; and the Regent, in the name of the Emperor, being desirous to give a further proof of how anxious he is to cause the cessation of so inhuman a traffic, directs, through the Department of State for Foreign Affairs, that the said Brazilian Commissioners, keeping in view the Convention of the 23rd November, 1826, between this Empire and the Kingdom of Great Britain and Ireland, should take cognizance of all vessels owned by Brazilian subjects, or by Portuguese subjects resident in Brazil, which may be captured in the act of conveying slaves from the coast of Africa, even though the enterprise may be covered by the Portuguese flag; excepting, however, from this rule such vessels as may have been built in any of the ports of the dominions of Her Most Faithful Majesty, or which may have never sailed under any other than the Portuguese flag, before the 16th of January, 1837; as likewise steam-vessels, purchased within three years, reckoned from the date of the above decree, which may belong to subjects of the said Government of Her Most Faithful Majesty, and which may be navigated in conformity with the laws of Portugal.

(Signed) ANTONIO PEREGRINO MACIEL MONTEIRO.

No. 216.

Mr. Ouseley to Viscount Palmerston.—(Received December 16.)

MY LORD,

Rio de Janeiro, 27th October, 1838.

I HAVE the honour to transmit to your Lordship a return of the Portuguese slave vessels, which have entered this harbour, during the month of September, after having landed their cargoes of Africans in the neighbourhood.

I have, &c.

(Signed)

W. G. OUSELEY.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 216.

RETURN of vessels engaged in the Slave Trade, which have entered this port, under the Portuguese flag, during the month of September, 1838, after having landed their cargoes of slaves on this coast.

No. 1. Brig schooner "*Tendador*," from Angola, landed 313 slaves off the entrance of the harbour.

No. 2. Brig "*Asseiceira*," from Angola, landed 400 slaves at the Alto Moirão. They were afterwards deposited at a house in the Bay of Jurujuba, inside the harbour.

No. 3. Brig schooner "*Jupiter*," from Cabinda, landed 436 slaves, in a very sickly state, at the Alto Moirão. They are deposited at the Bay of Jurujuba, inside the harbour.

No. 4. Schooner "*Bellona*," from Rio Zaire, landed 374 slaves in a sickly state at Campos.

No. 5. Patacho "*Dous de Abril*," from Rio Zaire, landed 477 slaves at São Sebastiao.

No. 6. Brig schooner "*Arcania*," from Cabinda, landed 500 slaves at Ilha Grande. In the landing, two canoes, with 50 slaves, upset from the heavy swell, and all on board perished, including the Portuguese named Malta, who had charge of the landing. The master of this vessel is a native of Pernambuco.

No. 7. Brig "*General Cabreira*," from Angola, landed 150 slaves at Ponte Negra. The master of this vessel is a Brazilian subject.

No. 8. Schooner "*Josephina*," from Benguela, landed 345 slaves off this harbour. The landing was not finished till after sunrise, and must have been observed from the forts. Lieut.-Colonel Vasco assisted personally at the landing: the slaves are now on sale at the Cateté.

No. 9. Brig schooner "*Pallas*," from Angola, landed 516 slaves at Taipu. They are now on sale at the Bay of Jurujuba.

No. 10. Brig schooner "*Innocente*" landed 317 slaves at the estate of Dois Rios in the Ilha Grande.

Total number of slaves imported by ten vessels, as above, 3828.

No. 217.

Mr. Ouseley to Viscount Palmerston.—(Received December 16.)

MY LORD,

Rio de Janeiro, 27th October, 1838.

I HAVE the honour to enclose a copy and translation of a note, which I have just received from M. Monteiro, the Brazilian Minister for Foreign Affairs, in reply to my note (communicated to your Lordship in my Despatch of the 24th ult.), in which his Excellency expresses, in strong and becoming language, the adherence of the Imperial Government to the sentiments of that of Her Majesty on the subject of the Slave Trade; he recapitulates the proofs which the Brazilian Government have, he says, given from time to time of their willingness to go hand

in hand with that of Great Britain, in the suppression of that scourge to humanity, including the late adoption of your Lordship's instructions to the British Commissioners, but still, not anticipating success from their efforts, however zealous, in the present state of things, for the suppression of the traffic in Africans, proposes, as effectual means of contributing to this good result, the total prohibition, by Treaty, of the exportation of negroes from the Portuguese settlements and colonies, and the active employment of a squadron of small cruisers on this and the African coast, and the infliction of punishment on those engaged in the trade.

The Brazilian Minister concludes by promising that the Imperial Government will endeavour to procure the adoption, by the general legislative body, of the additional articles to the Slave Trade Convention.

I must take the liberty of referring your Lordship to the enclosed note, the general tenor and intention of which will, I hope, be quite satisfactory to your Lordship, not having time, before the departure of the packet, to do more than name the leading subjects of its contents, and reserve any observations upon it for a future opportunity.

In justice, however, to the Imperial Government, I cannot but state that at this moment their efforts to act in conformity with their engagements on the subject of the Slave Trade are the more praiseworthy, as any approach on their part to effectual interference with this traffic is met with determined hostility from the mass of the population here, and at the risk of losing the support of many of their adherents in the Chambers.

I have, &c.

(Signed)

W. G. OUSELEY.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in Nb. 217.

(Translation.) *Senhor A. P. M. Monteiro to Mr. Ouseley.*

Rio de Janeiro, 26th October, 1838.

THE Undersigned, &c. has the honour to acknowledge the receipt of the two notes, addressed to him on the 5th of last month by Mr. W. G. Ouseley, &c. in which the attention of the Imperial Government is called to the inhuman traffic in Africans, at the same time transmitting to him, in copy, the Address, which the House of Commons had laid before the throne of Her Majesty the Queen of Great Britain, with reference to this grave and most important subject; and being deeply convinced of the philanthropic and praiseworthy sentiments, which animate the British Government respecting the above, the Undersigned feels the absolute necessity of manifesting, in the most unequivocal manner, to Mr. Ouseley, in order that he may bring it to the knowledge of his Government, the complete accordance of the Brazilian Cabinet in the desires, more than once expressed by Great Britain, with regard to the total extinction of a scourge, which so greatly dishonours the humanity and blemishes the civilization of nations; and notwithstanding that the Government of His Majesty the Emperor acknowledges and laments the ill success of some of the measures, adopted for the purpose of rendering effective the stipulations of the Treaty, concluded in 1826, between Brazil and Great Britain, with the view to the total extinction of the traffic; still, however, faithful as it has always been, in the fulfilment of the duties to which it is bound, it reposes on the conscientiousness of never, in spite of multiplied difficulties, having opposed the adoption of any measure, which has occurred to it, for attaining the great and noble end of destroying for ever the barbarous commerce in human flesh; and the following acts may be adduced as irrefragable proofs of the purity of its sentiments in this respect; the repeated and warm representations, made to the Government of the Oriental Republic of the Uruguay in 1834, to induce it to put a stop to the commerce in slaves, then carried on there under the cloak of colonization; the reiteration of the same efforts in 1835, for the purpose of inducing the Government of Buenos Ayres, Chile, and Peru, to enter into a convention, which should have for its object the abolition of the traffic; the instructions issued likewise in 1835, to the

CLASS B.

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Brazilian Commissioners of the Brazilian and British Mixed Commission, including, under the jurisdiction of that tribunal, Portuguese subjects resident in Brazil, who might be subjected to adjudication by it; the authorization given to the Diplomatic Agent of Brazil at Lisbon to negotiate with the Government of Her Most Faithful Majesty, a convention calculated to effect the abolition of so horrible a commerce; the readiness with which it lent itself, in the above year, to conclude the additional Articles to the Convention on the same subject, signed by the Plenipotentiaries of Brazil and Great Britain; its recent acquiescence in the instructions, issued by the Government of the Queen to the British Commissioners of the said Commission, as requested by Mr. Ouseley in the name of his Government; and, finally, the series of measures, both of police and fiscal arrangement, issued for execution to the authorities of the empire by the Brazilian Government.

Since, however, it cannot be assumed, that the concurrence even of all these measures has been sufficient and efficacious in suppressing completely the shameful and criminal speculations set on foot and carried into effect by avarice, for the purpose of clandestinely introducing into the empire Africans, who are thus reduced to slavery, *particularly* when the prejudices of a part of the population of Brazil in favour of such traffic (from the objects of it being perhaps esteemed by them as agents of production and public wealth) is taken into consideration, the Undersigned deems it his duty to submit to Mr. Ouseley, in order that he may bring them before the Cabinet of Her Majesty the Queen of Great Britain, the sole remedies that the Imperial Government considers as really efficacious for the radical cure of so great an evil. 1st, The total prohibition of the exportation of Africans from the Portuguese colonies, not as decreed by internal Portuguese legislation, which may be so easily rendered nugatory, as in effect has already been the case, but stipulated in Conventions or Treaties, in which the three Governments, Brazilian, British, and Portuguese, should join. 2nd, The effective establishment of a cruising system of small armed vessels, which might guard and visit with facility the various points on the coast of Africa, and of the empire, and capture the vessels which might have Africans on board, and thus frustrate the attempts of an abominable and unlawful trade, by doubly punishing those engaged therein, with the loss of the capital employed, and the infliction of the penalties decreed against them.

Intimately persuaded of the efficacy of the means exposed above, for remedying and preventing such deplorable abuses, and ardently desiring also to afford to the Government of Her Britannic Majesty the most decisive and convincing proofs of the liberality of the principles of the Imperial Government, in relation to the object in question, the Undersigned does not hesitate an instant to promise, in the name of the Government of the Emperor, the firmest and sincerest co-operation in the task of bringing about the Convention referred to, and thus proceeding in preventing the introduction into the empire of wretched Africans, whose slavery obviously attacks, not only the precepts of morality, and the ordinances of law, but likewise the dictates of a provident and circumspect policy.

Without reference, however, to what has been above deduced, and to the profound conviction of the Imperial Government of the great advantage that would result to the proposed object of prohibiting the introduction of Africans into the country, by employing, as chief means to that end, the combined efforts and decided endeavours of the two Governments, the Undersigned considers it proper to assure Mr. Ouseley, that the Brazilian Cabinet will use the greatest energy and solicitude, in availing itself of the first opportunity to submit to the approbation of the Legislative Body the additional articles mentioned above, in order to manifest to the Government of Her Britannic Majesty the sincere desire which animates it of putting a stop to so shameful a traffic, by promoting the strict observance of the existing Treaties on this subject, and by employing all the executive powers, given to it by the constitution of the State, to realise the sacred ends which the two Governments had in view when concluding the Convention now in force.

The Undersigned avails, &c.

(Signed) ANTONIO PEREGRINO MACIEL MONTEIRO.

W. G. Ouseley, Esq.

&c. &c.

No. 218.

Viscount Palmerston to Mr. Ouseley.

SIR,

Foreign Office, 13th December, 1838.

I HEREWITH transmit to you, for your information, a copy of a letter which I have received from the Chevalier de Carvalho, upon the subject of the slave vessel the "*Flor de Loanda*," together with a copy of the answer which I have returned thereto.

I am, &c.

W. G. Ouseley, Esq.
&c. &c. &c.

(Signed)

PALMERSTON.

Enclosures in No. 218.

*M. Carvalho to Viscount Palmerston, November 15, 1838.**Viscount Palmerston to M. Carvalho, December, 14, 1838.*

(See Nos. 146 and 149.)

No. 219.

Viscount Palmerston to Mr. Ouseley.

SIR,

Foreign Office, 31st December, 1838.

I HAVE received your Despatch, marked Slave Trade, of the 27th October, 1838, enclosing a copy and translation of the note, which M. Monteiro had addressed to you on the 26th of that month.

I have to instruct you to state to M. Monteiro, that Her Majesty's Government highly appreciate the disposition, manifested in that communication on the part of the Brazilian Government, to co-operate with Great Britain in measures for the universal and effectual extinction of the traffic in slaves.

With respect, however, to the particular measures, which are recommended by the Brazilian Government for the above-mentioned object, you will say to M. Monteiro, that Her Majesty's Government have already for a long time been engaged in endeavours to persuade the Portuguese Government to consent to a Treaty, which shall secure the abolition of Slave Trade under the Portuguese flag, and that steps are about to be taken by Her Majesty's Government to increase the number of cruisers, employed for the interception of slave ships on the coast of Africa. And you will add, that, if the Brazilian Government really wishes to co-operate effectually with that of Great Britain for the suppression of the Slave Trade, the best and only effective steps it can take, would be to ratify immediately the two additional Articles concluded between Great Britain and Brazil in 1835, to cause the laws of Brazil against Slave Trade to be carried faithfully into effect, and to strengthen those laws still further, by attaching to Slave Trade the punishment of piracy. It is by such measures that the Brazilian Government will best be able to prove the sincerity of its desire to put down the Slave Trade, and by such measures that desire will most effectually be carried into execution.

I am, &c.

W. G. Ouseley, Esq.,
&c. &c. &c.

(Signed)

PALMERSTON.

BRAZIL. (*Consular.*)

No. 220.

Viscount Palmerston to Her Majesty's Consuls in Brazil.

SIR,

Foreign Office, 24th May, 1838.

I HEREWITH transmit, for your information, a copy of two series of Papers relating to the Slave Trade, which have been presented to the two Houses of Parliament, during the present Session, by Her Majesty's command.

I am, &c.

(Signed) PALMERSTON.

No. 221.

Viscount Palmerston to Her Majesty's Consuls in Brazil.

SIR,

Foreign Office, 9th June, 1838.

I HEREWITH transmit to you the copy of a Resolution which was voted unanimously by the House of Commons on the 10th of May, 1838, for an Address to Her Majesty upon Slave Trade, and a copy of the Answer which, on the 23rd of the same month, Her Majesty was pleased to return to that Address.

You will see from these Papers the unceasing and anxious desire of the Parliament and Government of this country for the extinction of the traffic in slaves.

I am, &c.

(Signed) PALMERSTON.

No. 222.

Mr. Watts to Viscount Palmerston.—(Received May 24.)

MY LORD,

British Consulate, Pernambuco, March 29, 1838.

WITH reference to the Despatch, which I had the honour to address to your Lordship on the 15th of last February, with a desire to place before you the contending opinions which seem to agitate the public mind in Brazil, on the subject of the Slave Trade, I have now the honour to give to your Lordship a succinct relation of the arguments used by those, who consider the further importation of African slaves into this country as pernicious and ruinous, in relation to the prospective prosperity of this empire.

The apprehensions entertained by those of a contrary opinion, that in the course of a few years the diminution of labour for agricultural purposes, would tend rapidly to diminish the annual production of the soil, arising from their conviction that the population of African slaves throughout the country being estimated at two millions, and the yearly casualties of life being ascertained to be in the ratio of five in the hundred beyond the annual births, that population would necessarily suffer a decrease, in the short space of ten years, of half of its numbers, unless supplied by a yearly importation of African slaves without restraint: since that importation

experience has shown, under common circumstances and unrestrained by penalties, has scarcely gone beyond forty thousand, or in the ratio of two in the hundred.

Those apprehensions gave rise to the representations made by the Provincial Legislative Assembly of Rio de Janeiro to the representatives of the nation, of which a copy and translation were transmitted to your Lordship in that Despatch.

The opposers of the Slave Trade in this country entertain the opinion that the following causes may progressively tend to counterbalance, or even much to exceed, the apprehended progressive diminution of slave population, from the casualties of life exceeding every year the number of births, in the ratio of five in the hundred, in the case of a total suppression of the Slave Trade; or of three in the hundred, under present circumstances.

First, the expected increase in the number of colonists invited to settle in Brazil, for although all might not dedicate themselves to husbandry, yet undertaking domestic labour, fewer slaves would be employed in the latter, and become transferable to the former, those unemployed.

Second, amelioration in the medical treatment of slaves by improved modes of cure.

Third, the opening of roads, to facilitate the means of conveyance of produce from the interior to the coast.

Fourthly, the introduction more general of machinery in the manipulation of sugar, since it is well ascertained that, of the 900 sugar establishments in the province of Rio de Janeiro, only 50 are known to be worked by machinery; that of the 650 sugar estates in the province of Bahia, only upon 150 is machinery used: and in this province there are only 60 sugar-works, which are moved by water, and two by steam, out of 500 establishments.

I have, &c.

(Signed) EDWARD WATTS.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

No. 223.

Mr. Hesketh to Viscount Palmerston.—(Received September 7.)

MY LORD,

Consul's Office, Rio de Janeiro, June 20, 1838.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of the 19th of April last, enclosing two printed copies of each of the following documents relating to the suppression of the Slave Trade—

Additional Article to the Treaty concluded at the Hague on the 14th of May, 1818, between Great Britain and the Netherlands—

The Treaty by which the Hanse Towns have acceded to the Convention between His late Majesty and the King of the French, the ratifications being exchanged at Hamburg on the 12th of September, 1837—

And a Treaty by which the Grand Duke of Tuscany has acceded to the above-mentioned Conventions between His late Majesty and the King of the French, the ratifications being exchanged at Florence on the 2nd of March, 1838.

I have, &c.

(Signed)

ROBERT HESKETH,

The Right Hon. Viscount Palmerston, G.C.B.,

&c.

&c.

&c.

H.B.M.'s Consul.

No. 224.

Mr. Watts to Viscount Palmerston.—(Received September 10.)

MY LORD,

British Consulate, Pernambuco, July 17, 1838.

I HAVE the honour to acknowledge the receipt, on the 11th instant, of your Lordship's Despatch of the 19th of April last, transmitting to me in duplicate the following Conventions, which have been duly deposited among the archives of Her Majesty's Consulate at this port:

Printed copy of an additional Article to the Treaty concluded at the Hague on the 4th of May, 1818, between Great Britain and the Netherlands, for the prevention of the traffic in slaves, ratified at the Hague on the 27th of February, 1817:

Printed copy of a Treaty, by which the Hanse Towns accede to the Conventions between His late Majesty and the King of the French, for the more effectual suppression of the Slave Trade, ratified at Hamburg on the 12th of September, 1837:

Printed copy of a Treaty, by which the Grand Duke of Tuscany acceded to the above-mentioned Conventions between His late Majesty and the King of the French, ratified at Florence on the 2nd of March, 1818.

I have, &c.

(Signed)

EDWARD WATTS.

The Right Hon. Viscount Palmerston, G.C.B.,

&c.

&c.

&c.

No. 225.

Mr. Moon to Viscount Palmerston.—(Received September 19.)

MY LORD,

Consul's Office, Maranham, July 23, 1838.

I HAVE the honour to transmit your Lordship copies of my last communications with Her Majesty's Chargé d'Affaires at Rio de Janeiro, regarding the arrival at this port of the Portuguese schooner "*Tres Amigos*," from Loanda on the coast of Africa, together with an abstract of her papers, and of the legal proceedings instituted against said schooner on being brought into port, which shows that, though there was full proof of her having been engaged in an illicit traffic in slaves, she was immediately liberated.

She still retains the name of "*Tres Amigos*," but is now rigged as a brig, and is evidently fitting out for another slaving voyage, but I do not know when she is to sail; and enclosed I beg to hand description of said brig, together with a description of a schooner called the "*Amalia*," recently bought, and owned by same parties as the "*Tres Amigos*," which vessel sailed from hence 12th May last for the Cape de Verde Islands, under Brazilian colours.

I have, &c.

(Signed)

JOHN MOON,

H.B.M.'s Consul.

The Right Hon. Viscount Palmerston, G.C.B.,

&c.

&c.

&c.

First Enclosure in No. 225.

(Slave Trade.)

Mr. Moon to Mr. Gordon.

SIR,

Consul's Office, Maranham, March 27, 1838.

SINCE my Despatch of 23rd June last, nothing has occurred here to make it necessary for me to address you under this head. I have now to inform you that on the 19th instant a schooner was signalled off this port; and as three days past without her coming in, she was generally supposed, and by many well known, to be the "*Tres Amigos*," with a cargo of slaves. No steps, however, were taken by the Government here to look after her. until the morning of the 22nd instant, when His Imperial Majesty's brig "*Niger*" was sent out after her. She found her to be the "*Tres Amigos*" at anchor in the bay, in a very filthy state, and with all the apparatus and preparations on board for carrying on a Slave Trade, and with every appearance of having just discharged a cargo of slaves.

Indeed there is no moral doubt; and legal proof might easily be obtained, that she had discharged a cargo of slaves, in a very sickly state, during the three days and nights that she was left unmolested in the bay; but I have not been able to ascertain what number of slaves she brought.

The "*Niger*" brought her into port as a prize, under her own Portuguese colours; and her case is now being investigated by the competent authorities here, with whose decision I will hereafter acquaint you.

I have, &c.

(Signed)

JOHN MOON,
H.B.M.'s Consul.

To G. J. R. Gordon, Esq.

&c.

&c.

&c.

Second Enclosure in No. 225.

Mr. Moon to Mr. Gordon.

SIR,

Consul's Office, Maranham, May 26, 1838.

REFERRING to what I wrote you, under date of 27th March last, I have now the honour to enclose an abstract of the legal proceedings taken against the schooner "*Tres Amigos*."

I consider that these contain sufficient proof to convict her of having been engaged in the Slave Trade (and there is not the slightest doubt that this was the case); but the Juiz de Paz, who went to examine her, and who interrogated her crew, immediately ordered her to be given up to her owners, on the plea of there being no proof of her having been engaged in an illicit trade. She was so given up, and is now being brig-rigged, and is intended to sail shortly for the coast of Africa.

Two vessels, belonging the same owners as the "*Tres Amigos*," have recently sailed for the Cape Verd Islands, say the brig "*Don Pedro*," on the 6th March last, under Portuguese colours, and the schooner "*Amalia*," 12th May instant, under Brazilian colours, both with very little cargo on board. The "*Don Pedro*" I described in my Despatch of 23rd June last; and enclosed I give a description of the "*Amalia*."

I have, &c.

To G. J. R. Gordon, Esq.,
&c. &c. &c.

(Signed)

JOHN MOON,
H.B.M.'s Consul.

Third Enclosure in No. 225.

*Abstract from the Papers annexed to the Judicial process of the schooner
"Tres Amigos."—J. M.*

It appears she sailed from Lisbon some time in September, 1837. Her Muster-roll, containing twenty-one persons, is dated Lisbon, 29th August, 1837, with a Visa, dated at the Island of Boa Vista, 11th October, 1837, from whence it is stated she was to proceed to the Islands of San Thomaz, San Thomé, and Principe. A Custom-house clearance from Loanda, in Angola, dated 27th December, 1837, states that she was to proceed from that port to the Island of San Thomaz, in ballast, having landed all her cargo in that port.

A certified copy of a protest, made at sea in latitude 5° south, and longitude 10° west, dated 21st January, 1838, and signed by the Mate and part of the crew, wherein it is stated that having put in to Loanda, for the purpose of obtaining fire-wood, water, and fresh provisions, and having there landed her cargo, which had been left in charge of a supercargo, they proceeded to sea on the 8th January, 1838, on their voyage for the Island of San Thomaz, and on the 13th the Captain died; on the 21st of the same month the Boatswain also died, and as the crew were all in a very sick state, and the Mate (Raimundo Antonio Lima), not finding amongst the Captain's papers any instructions respecting the voyage to San Thomaz, after consulting the crew he resolved to bear away for Maranham, where the owner (Joze Antonio Contra) resided, in order to obtain instructions from him.

In the Judge's interrogatories to the crew, it appears that one of the crew in his answers stated that the Boatswain had died at Loanda, and the Captain at sea.

List of the Articles found on board after she was brought into Port.

Six nine-pounder short carronades on deck, charged with grape and ball, and fresh primed.
Sixteen muskets with bayonets, and other appertaining accoutrements.
Five large muskets.
Four cutlasses.
Four pistols, charged and primed.
Fifty cannon charges.

A large quantity of musket cartridge.
 A quantity of gun flints.
 A quantity of round and grape shot.
 Six barrels of gunpowder.
 A medicine chest, well supplied.
 Two bread lockers in the cabin, with biscuit and toasted bread.
 Two berths in the cabin, with Mandioca flour.
 Five bags of rice.
 Five bags of beans.
 One bag of maize.
 One bag of Cayenne pepper.
 Two barrels of vinegar.
 One barrel of salt.
 Three half pipes full of fresh water.
 Two half ditto, half full of ditto.
 One large copper cooking-pan, which might cook about 16 lbs. of beef.
 Five cooking-pans of different sizes, which might cook 3, 4, and 2 lbs. of beef.
 The hold lined fore and aft with large water casks.
 Mats spread in the hold, which appeared having been used as beds.
 Grated scaffolds in the cabin, with mats spread on them, which appeared had been formed for the accommodation of negresses.
 A very great stench through the vessel.

Fourth Enclosure in No. 225.

Description of the Portuguese brig "Tres Amigos," now lying at the Port of Maranham.

A REMARKABLE fine-looking brig, American built, sits low in the water, with a considerable rake in her masts, about 200 tons burthen, or upwards, coppered to the bends, pierced for five guns on a side; billet head, carved stern, with an eagle in the centre; flush deck, and painted with a broad white streak, with five ports on a side. Her present master is named Antonio Raimundo Lima, a Portuguese mulatto.

Description of the Brazilian schooner "Amalia," Antonio Silveira Maciel, Junior, Master, sailed from hence to the Cape Verd Islands, 12th May, 1838.

AN American built, long, low vessel, with a great sheer, without a figure-head, but a projecting cut-water; Hermaphrodite rigged, with main topsail lately repaired in this port, with new topsides and bulwarks of Brazil wood, and new copper sheathing, painted all black.

JOHN MOON, *Her Britannic Majesty's Consul.*
British Consulate, Maranham, July 23, 1838.

No. 226.

Mr. Watts to Viscount Palmerston.—(Received September 24.)

MY LORD,

Pernambuco, August 7, 1838.

I HAVE the honour to acknowledge the receipt, on the 30th of last month, of your Lordship's circular Despatch of the 24th May last, transmitting to me printed copies of correspondence, with foreign powers, and with the British Commissioners, relating to the Slave Trade, as follow:—

Class A. of correspondence with the British Commissioners during the year 1837
 Class A. (further series) of correspondence with the same in 1837 and 1838.
 Class B. Correspondence with foreign powers during the year 1837.
 Class B. (further series) of the same in 1837 and 1838.

These important papers now engage my attentive perusal, and are deposited among the Archives of Her Majesty's consulate at this port.

I have, &c.

(Signed) EDWARD WATTS, *Her Britannic Majesty's Consul.*

The Right Hon. Viscount Palmerston, G.C.B.,
 &c. &c. &c.

No. 227.

Mr. Whateley to Viscount Palmerston.—(Received October 22nd.)

MY LORD,

British Consulate, Bahia, 25th July, 1838.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, dated the 19th April last, and enclosing two printed copies of an additional Article to the Treaty concluded at the Hague on the 4th May, 1818, between Great Britain and the Netherlands, for the prevention of traffic in slaves. Also enclosing two printed copies of a Treaty, by which the Hanseatic Towns have acceded to the Conventions between His late Majesty and the King of the French, for the more effectual suppression of the traffic in slaves, the ratifications of which were exchanged at Hamburg on the 12th September, 1837. And further enclosing two printed copies of a Treaty by which the Grand Duke of Tuscany has acceded to the above-mentioned Conventions between His late Majesty and the King of the French.

I have, &c.

(Signed) JOHN WHATELEY.

The Right Hon Viscount Palmerston, G.C.B.,
 &c. &c. &c.

No. 228.

Mr. Whateley to Viscount Palmerston.—(Received October 22.)

MY LORD,

British Consulate, Bahia, 26th July, 1838.

I HAVE the honour to acknowledge receipt of your Lordship's Despatch dated the 25th April last, enclosing the copy of a Despatch from Her Majesty's Commissioners at Sierra Leone, relating the case of the Spanish brig "*General Ricafort*," condemned at that port, on a charge of having been concerned in Slave Trade.

The Despatch, as well as its Enclosures, have had my particular attention, and in compliance with your Lordship's request, that I should acquaint you, for the information of Her Majesty's Commissioners, as to the practice here with respect to manifests, I have the honour to state to your Lordship, that the authorities do not furnish manifests to vessels loaded at this port, but such a document is generally provided by the consignees. It is, however, obligatory on the Master of a vessel or his agents to furnish or leave a copy of the manifest of cargo at the Export Office, before the clearance of the ship can be obtained, which can at any time be referred to; and I herewith enclose your Lordship a copy of that of the cargo loaded by the "*General Ricafort*," the vessel alluded to. She arrived here on the 25th April, 1837, from the Havana, and sailed on the 17th May for the coast of Africa.

The Masters of most European vessels, when bound direct to their native country, are obliged to take a manifest of their cargoes, certified by their respective Consuls, but not otherwise.

I have, &c.

(Signed) JOHN WHATELEY.

The Right Hon. Viscount Palmerston, G.C.B.,
 &c. &c. &c.

Enclosure in No. 228.

Manifest of Cargo loaded at this Port, on Board the Spanish Brig "General Ricafort," Captain Martinez, and cleared for the Coast of Africa on the 23d May, 1837.

2931 Mangotas tobacco.

82 Pipes Brazilian rum.

Extracted from the registry kept at the Export Department of this city.

(Signed) JOHN WHATELEY.

Bahia, 26th July, 1838.

Vice Consul.

No. 229.

Mr. Whately to Viscount Palmerston.—(Received October 23.)

MY LORD,

British Consulate, Bahia, 11th August, 1838.

I HAVE the honour to acknowledge receipt of your Lordship's Despatches dated the 24th May and the 9th June last, the former enclosing two series of papers which have been presented to both Houses of Parliament during present Session, and the latter copy of a resolution voted unanimously by the House of Commons on the 10th May last, for an Address to Her Majesty upon the Slave Trade; also a copy of the Answer, dated the 23rd of the same month, which Her Majesty was pleased to return to that Address.

I have, &c.

(Signed)

JOHN WHATELEY,

The Right Hon. Viscount Palmerston, G.C.B.,

Vice Consul.

&c.

&c.

&c.

No. 230.

Mr. Hesketh to Viscount Palmerston.—(Received October 30.)

MY LORD,

Consul's Office, 17th August, 1838.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, dated Foreign Office, May 24th, 1838, transmitting a copy of two series of papers relating to the Slave Trade, (1st series, A and B, 1837-8; 2nd series, A and B, 1838,) presented to Parliament by Her Majesty's command.

I have, &c.

(Signed)

ROBERT HESKETH,

M.B.M.'s Vice-Consul.

The Right Hon. Viscount Palmerston, G.C.B.,

&c.

&c.

&c.

No. 231.

Mr. Hesketh to Viscount Palmerston.—(Received November 30.)

MY LORD,

Consul's Office, Rio de Janeiro, 17th September, 1838.

I HAVE the honour to acknowledge the receipt of the Despatch, dated Foreign Office, June 9, 1838, transmitting the copy of a resolution which was unanimously voted by the House of Commons on the 10th May last, for an Address to Her Majesty upon Slave Trade; and a copy of the Answer which, on the 23rd of the same month, Her Majesty was pleased to return to that Address.

I shall conceive myself most fortunate to have any opportunity of proving to your Lordship, by my humble though strenuous exertions, my zealous desire for the extinction of the traffic in slaves.

I have, &c.

(Signed)

ROBERT HESKETH,

The Right Hon. Viscount Palmerston, G.C.B.,

H.B.M.'s Consul.

&c.

&c.

&c.

NETHERLANDS.

No. 232.

Sir E. C. Disbrowe to Viscount Palmerston.—(Received May 24.)

MY LORD,

Hague, May 22, 1838.

I HAVE the honour to enclose the copy of a note, which I have received from Baron Verstolk, in reply to one which I addressed to His Excellency on the 10th of April, on the subject of recruiting on the Coast of Africa for the Dutch troops in Java.

I have, &c.

(Signed)

E. C. DISBROWE.

The Right Hon. Viscount Palmerston, G.C.B.,
 &c. &c. &c.

Enclosure in No. 232.

Baron Verstolk to Sir E. C. Disbrowe.

MONSIEUR LE CHEVALIER,

La Haye, le 20 Mai, 1838.

J'AI eu l'honneur de recevoir l'office du 10 Avril dernier, par lequel vous avez bien voulu m'adresser quelques observations ultérieures, touchant la mode de recrutement sur la côte d'Afrique à la suite des explications sur cet objet produites dans ma lettre du 26 Septembre, 1837.

Le Département des Colonies, auquel je m'étais empressé de communiquer ces observations, les transmet sans délai à Monsieur le General-Major Verveer, alors embarqué à Helvoetsluis, en lui recommandant de nouveau strictement de ne pas engager d'autres nègres que ceux qui seraient réellement libres au moment de l'enrôlement, et de veiller soigneusement à ce qu'aucune mesure ne fut prise qui portât atteinte aux stipulations du Traités existants pour la repression du trafic des noirs. En même temps cet officier supérieur a été invité à répondre le plutôt possible, lorsqu'il sera arrivé à d'Elmina, aux observations contenus dans l'office précité, après avoir examiné si sous un rapport quelconque on se serait écarté des instructions, et s'être occupé d'une nouvelle revision générale des dispositions arrêtés, dans le but de les amender, si besoin serait, et d'en donner immédiatement avis au Département des Colonies.

Le Gouvournement des Pays Bas est intimement persuadé que le recrutement tel qu'il a été établi sur la côte de Guinée n'offre rien, qui puisse favoriser le trafic des noirs, et que cette mesure et le pied sur lequel elle s'exécute, bien loin d'être en opposition avec la lettre ou l'esprit des Traités existants pour la repression de la traite, profitera à l'humanité en rendant meilleure la condition des individus enrôlés: mais il n'en désire pas moins sincèrement de lever tous les doutes qui pourraient encore exister à cet égard, et je me ferai à cet effet un devoir, Monsieur le Chevalier, de vous communiquer les informations ultérieures que nous attendons de Monsieur le Général Major Verveer, aussitôt qu'elles seront arrivées.

Je me serais permis à cette occasion de mentionner l'introduction étendue de nègres, qui continue à se faire de l'Afrique au Brésil, et dans d'autres parties de l'Amérique, si déjà elle n'avait fixé l'attention du Gouvernement Britannique, et si dès lors il n'y avait lieu de se convaincre, qu'incessamment

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il va être mis un terme à des abus, lesquels en se prolongeant rendraient en grande partie illusoires les engagemens contractés pour la repression de la traite.

Agréez, je vous prie, Monsieur le Chevalier, &c.

(Signed) VERSTOLK DE SOELEN.

Sir E. C. Disbrowe.

(Translation.)

SIR,

The Hague, May 20, 1838.

I HAVE had the honour to receive the note of April 10 last, by which you were good enough to address to me some further observations, touching the mode of recruiting on the coast of Africa, in consequence of the explanation on this subject, brought forward in my letter of September 26, 1837.

The department of the Colonies, to which I hastened to communicate these observations, transmitted them without delay to Major-General Verveer, then embarked at Helvoetsleus, again recommending him strictly not to engage any negroes, other than those who are really free at the time of their enrolment, and to watch carefully that no measure be taken, which infringes the stipulations of the existing Treaties for the suppression of the Slave Trade. At that same time, the superior officer, has been invited to answer, as soon as possible after he arrives at Elmina, the observation contained in the note above mentioned, after having examined if the instructions have been deviated from in any respect, and having occupied himself in a new general revision of the measures decided upon, to the end that they may be amended, if need be, and to give notice thereof immediately to the Colonial Department.-

The Netherlands Government is intimately persuaded that the recruiting, as it has been established on the Coast of Guinea, offers nothing which can favour the Slave Trade, and that that measure, and the footing on which it is executed, far from being opposed to the letter or spirit of the existing Treaties for the repression of the Trade, will benefit humanity, by bettering the condition of the individuals enrolled: but it does not the less sincerely desire to do away with the doubts, which may yet exist thereupon, and for this purpose I shall make it my duty, Sir, to communicate to you the further information which we expect from Major-General Verveer, as soon as it shall arrive.

I should have ventured on this occasion to mention the extensive introduction of negroes, which continues to be made from Africa into Brazil and other parts of America, if it had not already fixed the attention of the British Government, and if, besides, there was not room for the conviction, that an end will soon be put to abuses which, if prolonged, would render the engagements contracted for the repression of the (*Slave*) Trade in a great measure illusory.

Accept, &c.,

(Signed) VERSTOLK DE SOELEN.

No. 233.

Viscount Palmerston to Sir E. C. Disbrowe.

SIR,

Foreign Office, May 24th, 1838.

I HEREWITH transmit, for your information, three copies of two series of papers relating to the Slave Trade, which have been presented to the two Houses of Parliament, during the present session, by Her Majesty's Government.

I am, &c.

Sir E. C. Disbrowe,
&c. &c. &c.

(Signed) PALMERSTON.

No. 234.

Viscount Palmerston to Sir E. C. Disbrowe.

SIR,

Foreign Office, June 9th, 1838.

I HEREWITH transmit to you the copy of a resolution, which was voted unanimously by the House of Commons on the 10th May, 1838, for an Address to Her Majesty upon Slave Trade, and a copy of the answer which, on the 23d of the same month, Her Majesty was pleased to return to that Address.

You will see from these papers the unceasing and anxious desire of the Parliament and Government of this country for the extinction of the traffic in slaves.

I am, &c.

Sir E. C. Disbrowe,
&c. &c. &c.

(Signed) PALMERSTON.

SWEDEN.

No. 235.

Viscount Palmerston to Mr. J. Bloomfield.

SIR,

Foreign Office, May 24, 1838.

I HEREWITH transmit for your information, a copy of two series of papers relating to the Slave Trade, which have been presented to the two Houses of Parliament during the present Session, by Her Majesty's command.

The Honourable J. Bloomfield,
 &c. &c. &c.

(Signed)

I am, &c.
 PALMERSTON.

No. 236.

Viscount Palmerston to Mr. Bloomfield.

SIR,

Foreign Office, June 9, 1838.

I HEREWITH transmit to you the copy of a resolution which was voted unanimously by the House of Commons on the 10th of May, 1838, for an address to Her Majesty upon Slave Trade, and a copy of the answer, which, on the 23rd of the same month, Her Majesty was pleased to return to that address.

You will see from these papers the unceasing and anxious desire of the Parliament and Government of this country for the extinction of the traffic in slaves.

The Honourable J. Bloomfield,
 &c. &c. &c.

(Signed)

I am, &c.
 PALMERSTON.

No. 237.

Mr. Bloomfield to Viscount Palmerston.—(Received July 2.)

MY LORD,

Stockholm, June 16, 1838.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of the 24th ultimo, transmitting a copy of two series of papers relating to the Slave Trade, which have been presented to Parliament during the present Session, by Her Majesty's command.

The Right Hon. Viscount Palmerston, G.C.B.
 &c. &c. &c.

(Signed)

I have, &c.
 J. A. D. BROOMFIELD.

No. 238.

Mr. Bloomfield to Viscount Palmerston.—(Received July 19.)

MY LORD,

Stockholm, June 30, 1838.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of the 9th instant, transmitting the copy of a resolution, which was voted unanimously by the House of Commons on the 10th of May, 1838, for an address to Her Majesty upon Slave Trade, and the copy of Her Majesty's answer.

The Right Hon. Viscount Palmerston, G.C.B.
 &c. &c. &c.

(Signed)

I have, &c.
 J. A. D. BLOOMFIELD.

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